



GOVERNMENT OF KERALA

Abstract

Finance Department-Pension-Prior service in Aided school/college of the Aided School/College Staffs-Declared non qualifying service for pension-Orders-Issued.

FINANCE (PENSION-B) DEPARTMENT

G.O.(P) No: 66/16/Fin

Dated, Thiruvananthapuram, 09.05.2016

Read :- G.O. (Rt) No. 7194/2015/Fin dated 06.08.2015.

ORDER

Aided Schools/Colleges are coming under the Direct Payment Scheme of the Government and the salary of teachers and non teaching staff is paid from public exchequer. Further, provisions contained in the Kerala Education Act, the Kerala Education Rules and University statutes provides authority on the Government to put restrictions with respect to functioning of the Aided Schools/Colleges. As aided School/College teaching and non teaching staffs do not come under Public Service Act all the benefits enjoyed by State Government employees is not applicable to them.

2. As per Rule 10, Part III KSRs the service of an employee does not qualify for pension unless he is appointed, his duties regulated and paid by the Government or under conditions determined by the Government. As such they are not eligible for pension as per KSRs. But in view of the fact that Direct Payment System has been introduced and considering Rule 11 Part III, KSRs, Aided Schools Teachers who have opted for parity with Government Teachers and whose retirement benefits are settled under the rules in chapter XXVII (B) , Kerala Education Rules are entitled to pensionary benefits as in the case of Government servants. Subsequently, as per Rule 14 E(a) & (b), Part III KSRs, the regular full time Aided School/College service of Government employees prior to entry in Government Service qualifies for pension .According to the sub rule (c)

of the said Rule, the regular full time Government service of aided School/College staffs prior to their entry in aided School/College service qualifies for pension. The benefit of the above rule shall be admissible w.e.f 24.01.1968. But there is no specific corresponding provision for counting prior service in between Aided Schools and Colleges.

3. In the G.O read above orders were issued reckoning the prior aided school service of Sri. A.J. Joseph (Aided College Lecturer) for calculating pension in compliance to the Judgement in SLP No. 19441/2015 dated 20.07.2015 on condition that this shall not be quoted as precedent.

4. Now, several requests have been receiving in Government requesting to reckon prior Aided School/College service of Aided College/Schools staffs to be counted for pension.

5. Since there is no mobility of personnel between Aided institutions, Government have examined the matter in detail and are pleased to issue orders as follows

i) Aided College Service of Aided School Staffs prior to entry in Aided School Service shall not be counted for pension along with Aided School Service and vice versa.

ii) Provisional Aided School/College service of regular full time Aided school staffs prior to entry in Regular Aided school service shall not be counted for pension with full time regular Aided School Service.

iii) This orders shall have retrospective effect from 24.01.1968, cases already settled will not be reopened.

iv) Necessary Amendment to the relevant rule in Part III, KSRs will be issued separately.

By Order of the Governor,

Dr. K.M ABRAHAM
Additional Chief Secretary (Finance).

To

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram
The Accountant General (A&E), Kerala, Thiruvananthapuram
All Heads of Departments and Offices.
All Departments (All Sections) of the Secretariat including Law Department.
The Secretary, Kerala Public Service Commission, Thiruvananthapuram (with C.L)
The Registrar, University of Kerala/ Cochin/Calicut (with C.L)
The Registrar, Mahatma Gandhi University, Kottayam
The Registrar, University of Kannur, Kannur.
The Registrar, Kerala Agricultural University, Thrissur
The Registrar, University of Sanskrit , Ernakulam.
The Registrar, High Court, Ernakulam (with CL)
The Registrar, Kerala Administrative Tribunal, Thiruvananthapuram (with CL)
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The Private Secretaries to Speaker, Deputy Speaker, the Leader of Opposition
and Government Chief Whip.
The Director of Public Relations, Thiruvananthapuram
The Secretary to Governor.
The Additional / Deputy Secretary to Chief Secretary.
The Director of Treasuries , Thiruvananthapuram.
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Section Officer