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GOVERNMENT OF KERALA

PERSONNEL AND ADMINISTRATIVE REFORMS(ADVICE -C)DEPARTMENT

CIRCULAR

No.1479/Adv.C2/2014/P&ARD

Dated,Thiruvananthapuram,25.9.14

Sub :- Promotion during the currency of Penalty of withholding of increment with or without cumulative effect under KCS(CC&A) Rules – Reg

Several instances have come to the notice of Government that in case of officer whose increment has been withheld with or without cumulative effect, as per disciplinary proceedings under KCS(CC&A) Rules, the practice being followed by some DPCs is that he is superseded for promotion during the currency of penalty. Such a step would in effect be imposition of double punishments on the employee viz, withholding of promotion and loss of seniority. Though such punishment as a result of the disciplinary action may have a definite bearing on the assessment of one's merits, ability and suitability for promotion, outright denial of one's promotion during the currency of penalty solely on the ground that period of operation of penalty is not over, is not what is stipulated in the rule. Further withholding of increment with and without cumulative effect cannot be treated equally, as one is a major penalty and the other is a minor penalty. As per note(ii) under rule, 28(b)(i)(7) of KS &SSRs, if the exoneration is not complete DPC may consider each case on its own merit. Therefore in case of imposition of any penalty, DPC has to consider the gravity of the offence committed, the punishment imposed, the Confidential Report during the previous 3 years prior to the convening of the DPC and the suitability of the incumbent for promotion in the light of them apart from the other criterion for promotion.

Hence all concerned are hereby instructed that after such assessment, if the DPC decides to include him in the select list, he can be promoted on the basis of his position in the select list, notwithstanding the fact that the period of operation of the penalty(withholding of increment for a specific period with or without cumulative effect) is not over. In the event of such promotion monetary value equivalent to the amount of increments ordered to be withheld as defined as per Note(3) under item(iii) and as per Explanation under item(VA) of Rule 11(1) of KCS(CC&A) Rules 1960 can be recovered from the pay of the officer. If the DPC decides to supersede him, the findings of the DPC for the supersession shall invariably be recorded in the DPC Minutes.

K.AJAYAKUMAR  
SECRETARY TO GOVERNMENT

To

All Departments(all sections) of the Secretariat including Law and Finance  
Additional Secretary to Chief Secretary  
All Officers of the Secretariat including Law and Finance  
All Heads of Departments/District Collectors  
The Kerala Public Service Commission(with C/L)  
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A. S.