

THE KERALA HIGH COURT PART-TIME CONTINGENT SERVICE RULES, 2007

In exercise of the powers conferred by Article 229 of the Constitution of India, the Chief Justice hereby makes the following rules to regulate the recruitment and the conditions of service of the Part-time Contingent Employees of the Kerala High Court, hereinafter referred to as 'the Service'.

RULES

- 1. Short title and commencement.-** These rules may be called the Kerala High Court Part-time Contingent Service Rules, 2007 and shall come into force with effect from 01.01.2007.
- 2. Constitution.-** The Service shall consist of the following categories of Part-time Contingent posts, namely :-
 - Category 1 Part- time Sweeper
 - Category 2 Part- time Sanitation Worker
 - Category 3 Any other Part-time Contingent post not coming under categories 1 & 2
- 3. Appointing Authority –** The appointing authority for all the categories in the Service shall be the Registrar General.
- 4. Method of appointment.-** Appointments to various categories shall be made from a Rank list prepared after a due process of selection from the list of qualified hands furnished by the Employment Exchange.

Provided that a Judge on his appointment, may nominate a person of his choice for appointment as Part-time Sweeper to his personal staff, subject to availability of vacancies and the qualifications prescribed in these Rules.

Provided further that this rule shall not apply in the case of appointment of relatives or dependents of the members of the Service/ High Court Service dying-in-harness.

Note:- 1 Three percent reservation shall be allowed to the physically handicapped persons for appointment to the various categories. The appointing authority shall before making appointment, however satisfy himself that the duties attached to the relevant category can be performed by a physically handicapped person.
- 5. Reservation of appointment.-**The rules for the time being in force in the General Rules in Part II of the Kerala State and Subordinate Service Rules Rules, 1958 regarding reservation of appointments for Scheduled Castes/Scheduled Tribes and Other backward Classes shall apply to appointments to the Service.
- 6. (a) Qualification regarding age.-** No person shall be eligible for appointment to the service , unless he satisfies the appointing authority that he has completed 18 years but not attained 35 years of age as on the first day of January of the year in which the list of qualified hands is requisitioned from the Employment Exchange.

Provided that

(i) the upper age limit shall be raised by five years in the case of a person belonging to a Scheduled Caste or a Scheduled Tribe and by three years in the case of a person belonging to the Other Backward Classes;

(ii) in the case of a candidate who is an Ex-serviceman or Ex-general Reserve Engineer Force person or a disembodied Territorial Army person, the period of his service in the defence forces or in the General Reserve Engineer Force or in the Territorial Army, as the case may be and the period of unemployment on discharge upto a maximum of five years shall be excluded in reckoning the age for his eligibility for appointment.

(iii) the maximum age limit shall be 50 years in the case of persons who were within age limit at the time of registration of their names in the Employment Exchange and whose names remain in the live Registers of the Employment Exchange on the date by virtue of such registration or renewal of such registration.

(b) Other qualifications.- The qualifications for appointment to the Service shall be as specified below or those prescribed by orders of the Chief Justice as equivalent qualifications;

1. Pass in Standard VII
2. Good physique.

7. Probation.- Every person appointed to any of the categories shall be on probation for a total period of one year on duty within a continuous period of two years.

8. Suspension or termination of probation.- At any time before the expiry of the prescribed period of probation, the appointing authority may-

(a) suspend the probation of a probationer and discharge him from the service for want of vacancy; and

(b) at its discretion by order terminate the probation of a probationer and discharge him from the service after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

9. Probationer's suitability for full membership.-

(a) If at the end of the prescribed period of probation the appointing authority considers the probationer to be suitable for full membership, it shall, as soon as possible, by order, declare him to have satisfactorily completed his period of probation. On the issue of that order, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of expiry of the prescribed period of probation.

(b) If at the end of the prescribed period of probation the appointing authority does not consider the probationer to be suitable for such membership, it shall, by order discharge him from the service after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

10. Seniority.-

(a) The seniority of a member in any category of the service shall be determined by the date of the order of his first appointment to such category.

(b) The appointing authority shall, at the time of passing an order appointing two or more persons simultaneously to the service, fix the order of preference among them; and seniority shall be determined in accordance with it.

11. Discharge and reappointment.-

- (a) (i) The order in which probationers and approved probationers in any category shall be discharged for want of vacancies shall be-
First, probationers in the order of juniority; and second, approved probationers in the order of juniority.
- (ii) Approved probationers and probationers who have been discharged for want of vacancies shall be reappointed as vacancies arise in the inverse of the order laid down in clause(i).

12. Appointment of full members.-

(a) Appointment of approved probationers as full members of the service shall be made by the appointing authority

(b) An approved probationer shall be appointed as a full member of the service in the category for which he was selected at the earliest possible opportunity, in any substantive vacancy which may exist or arise in the permanent cadre of such category and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from such date or, as the case may be, from such subsequent date from which he was continuously on duty as a member of the service in such category or in a higher category:

Provided that where more than one approved probationer is available for such appointment as full member, the senior-most approved probationer on the date of the occurrence of the vacancy shall be appointed.

Explanation.- For the purpose of this sub-rule, an approved probationer on leave shall be deemed to be on duty as a member of the service in the category concerned if he would have been on duty in such category or in a higher category but for his absence on leave.

13. Pay, allowances, leave salary and other conditions of service.- The pay, allowances, leave salary and other conditions of service of the members of the service shall be such as may be prescribed by Government from time to time.

14. Subsistence allowance to members under suspension.- A member of the service who is placed under suspension shall be entitled to receive payment as subsistence allowance, for the entire period of suspension, an amount equal to one half of the pay and dearness allowance which he would have drawn, had he been on duty.

15. Leave.- A member of the service is eligible for leave as follows, namely:-

(a) Casual leave for twenty days during a calendar year. Casual leave combined with holidays shall not exceed fifteen days at a time.

(b) Leave Without Allowances in special circumstances for a total period of one hundred and twenty days in a calendar year.

(c) Maternity leave for 135 days or leave for abortion or miscarriage for six weeks, as the case may be, to female employees with full pay and dearness allowance for the period.

(d) Special casual leave for undergoing sterilisation operation for a period not exceeding six days for man and fourteen days for women.

16. Superannuation.- A member of the service shall retire on the last day of the month in which he completes the age of 70 years.