

## **KARNATAKA PUBLIC SERVICE COMMISSION (SERVICES OF LOCAL AUTHORITIES) (CONSULTATION) ORDER, 1963**

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## **KARNATAKA PUBLIC SERVICE COMMISSION (SERVICES OF LOCAL AUTHORITIES) (CONSULTATION) ORDER, 1963**

In exercise of the powers conferred by the proviso to clause (b), sub-section (1) of Section 17 of the Karnataka Public Service Commission (Conduct of Business and Additional Functions) Act, 1959 (Karnataka Act 20 of 1959), the Government of Karnataka hereby make the following order, namely.

### **1. . :-**

This Order may be called the Karnataka Public Service Commission (Services of Local Authorities) (Consultation) Order, 1963.

### **2. . :-**

In this order unless the context otherwise requires.

(a) "Act" means the Karnataka Public Service Commission (Conduct of Business and Additional Functions) Act, 1959 ;

(b) "Commission" means the Karnataka Public Service Commission;

(c) "Government" means the Government of Karnataka.

### **3. . :-**

It shall not be necessary for the Commission to be consulted.

<sup>1</sup>[(a) as respects any of the matters mentioned in sub-clauses (i) and (ii) of clause {b} of sub-section (1) of Section 17 of the Karnataka Public Service Commission (Conduct of Business and Additional Functions) Act, 1959 , in the case of the posts in the

service of local authority, corresponding to post in Group 'C' services under the State Government;]

**2** [(b) in regard to the suitability of candidates promotion or transfer within the same class of service. Class of service under a local authority for purposes of this clause shall be Class 'A' which includes posts the pay, or if on a time scale the maximum pay, of which exceeds Rs. 500 per mensem; Class 'B' which includes posts the pay, or if on a time scale the maximum pay, of which exceeds Rs. 275 per mensem but does not exceed Rs. 500 per mensem; Class 'C' which includes posts the pay, or if on a time scale the maximum pay, of which does not exceed Rs. 275 per mensem]

(c) in regard to the making of any appointment to.

(i) any honorary post; or

(ii) any post the terms of which are governed by contract;

Provided that in every case of appointment on contract which may involve a total period of service on contract in excess of three years, the Commission shall be consulted before the contract is made or renewed.

Explanation. For the purpose of sub-clause (i) of this clause 'honorary post' means a post, the holding of which does not carry with it the right to receive any emolument or remuneration for services rendered other than an allowance for defraying travelling and other expenses incurred in the performance of duty;

(d) in regard to the re-employment in any service of a person who has retired on a civil pension or gratuity or who, while in service, was a subscriber to a contributory Provident Fund:

Provided that the Commission shall be consulted in every case where the period of re-employment exceeds one year.

1. Clause (a) substituted by GSR 61, dated 10-11-1982.
2. Clause (b) substituted by S.O. 4536, dated 18-5-1966.

#### **4. . :-**

It shall not be necessary to consult the Commission regarding the appointment of a person temporarily to a post to which appointment has to be made in consultation with the Commission where the vacancy is not likely to last for more than nine months.

#### **5. . :-**

(1) It shall not be necessary for the Commission to be consulted on any disciplinary matter affecting a person serving under a local authority except

(a) where a local authority proposes to pass an order on an appeal, or to modify an order in revision or on review;

(b) where a local authority proposes to pass an original order imposing any of the following penalties, viz.

(i) reduction to a lower rank in the seniority list or to a lower post or time scale, whether in the same service or in another service, or to a lower stage in a time scale;

(ii) recovery from pay of the whole or part of any pecuniary loss caused to a local authority, Government the Central Government/ any other State Government or to any person, body or authority to whom the service of the officer had been lent, by negligence or breach of orders;

(iii) compulsory retirement;

(iv) removal or dismissal from the service of a local authority.

(2) Nothing contained in clause (1) shall be deemed to make it necessary for a local authority to consult the Commission in any case.

(a) relating to the termination of probation of any person before the expiry of the prescribed or extended period of probation or to the discharge of a person on the expiry of such period on the ground that he has not qualified in any prescribed departmental or other tests;

(b) relating to the discharge or reversion of an officer otherwise than as a penalty;

(c) relating to the termination of the employment of any person in accordance with the terms of his contract of employment;

(d) relating to any order passed in respect of any officer otherwise than as a penalty;

(e) relating to retirement before attaining the age of superannuation whereunder the rules applicable to an employee of a local authority.

(i) he can be retired on completion of a prescribed number of years

of service or on reaching a prescribed age without any reasons being assigned or in the public interest and the employee concerned has completed such service or reached such age; or

(ii) he can be retired on invalid pension and the conditions prescribed in respect thereof are fulfilled;

(f) in cases where at a previous stage the Commission may have been consulted regarding the orders to be passed and the Commission has given advice and no fresh ground has thereafter arisen for further consideration or determination:

Provided that where the order to be passed is in modification of previous orders of a local authority and is not in accordance with the advice, the Commission may have tendered in such a case previously, such orders shall not be passed except after consulting the Commission.

**6. . :-**

It shall not be necessary for the Commission to be consulted on an appeal from or a memorial against an order of suspension pending enquiry into charges against the persons suspended.

**7. . :-**

Any order made or any action taken under the rules or orders so far in force and pending on the date of publication of these rules in the Karnataka Gazette shall be deemed to have been made or taken under the corresponding provision of these rules.