

THE KARNATAKA CIVIL SERVICES RULES

NOTIFICATION

No. FD 53-C.O.D. 58, dated 1st March 1958.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Karnataka hereby makes the following rules, namely :-

PART I - GENERAL

1. Title and Commencement :- (1) These Rules may be called the Karnataka Civil Services Rules. ¹[xxx]

(2) They shall come into force from the first day of April 1958.

2. Application:- (1) (a) Parts I, II, V, VI and VII, and the provisions of Part III and Part IV relating to procedural matters shall apply to all persons serving in connection with the affairs of the State of Karnataka

(b) Part III of these rules other than the provisions thereof referred to in clause (a) of this sub rule shall apply to all persons holding or appointed to posts in connection with the affairs of the State of Karnataka in pensionable establishments and to all claims in respect of leave availed of by such persons:

Provided that every person allotted or deemed to be allotted to serve in connection with the affairs of the State of Karnataka under section 115 of the States Reorganisation Act 1956 (Central Act 37 of 1956) shall continue to be governed by the Rules applicable to him before the 1st day of November 1956 unless such person exercises his option to be governed by Part III of these Rules:

Provided further that any option exercised by any person to be governed by the Karnataka Leave Rules, 1957 before the date of commencement of these Rules shall be deemed to be option exercised in pursuance of Part III of these Rules.

1. Deleted by No. FD 41 SRS 60 dated 1.11.1960 (wef 10.11.1960)

(c) Part IV of these Rules, other than the provisions thereof referred to in clause (a) of this sub-rule shall apply to the following classes of Karnataka Government servants in pensionable establishment;

(i) All persons who enter or have entered Karnataka Government service, whether in a permanent or other capacity on or after 1st November 1956 in respect of whose conditions of service the Governor of Karnataka is competent to make rules under the proviso to Article 309 of the Constitution;

(ii) All persons (including persons allotted to serve in connection with the affairs of the State of Karnataka under section 115 of the States Reorganisation Act, 1956), who were in service on the 31st October 1956 but did not hold substantive posts in pensionable establishments on that date;

(iii) Persons allotted to serve in connection with the affairs of the State of Karnataka under section 115 of the States Reorganisation Act, 1956 who were holding substantive posts in pensionable establishment on the 31st October 1956 in a service in connection with the affairs of the former State of Mysore, Hyderabad or Bombay or the State of Madras or in a service in connection with the affairs of the Union under the administrative control of the Chief Commissioner of the State of Coorg, and who, in the manner and within the period specified by Government, exercise their option to be governed by the provisions of Part IV of these rules,

(iv) Persons allotted to serve in connection with the affairs of the State of Karnataka under Section 115 of the States Reorganisation Act, 1956, who are subscribers to the Madras Contributory provident Fund- Pension - Insurance Fund (1950), and who subject to the following conditions, and in the manner and within the period specified by Government, exercise their option to be governed by the provisions of Part IV of these rules:-

(aa) The Government servant shall cease to subscribe to the said Fund;

(bb) The amount of contributions made by the Government (from the commencement) together with interest thereon standing to his credit in the Fund shall be credited to the Government of Karnataka.

(cc) The amount of subscription together with interest thereon standing to his credit in the fund shall be transferred to his credit in the Karnataka General Provident Fund to which he is eligible to subscribe;

(dd) His pensionary benefits shall be governed by the Rules in Part IV and the Government of Karnataka will bear full pensionary liability in respect of the services rendered by him (both in Madras and Mysore States):

Provided that every person allotted or deemed to be allotted to serve in connection with the affairs of the State of Karnataka under section 115 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) shall continue to be governed by the Rules applicable to him before the 1st day of November 1956 unless such person exercises his option to be governed by Part IV of these Rules before the ¹[first day of July 1959]:

Provided further that any option exercised by any person to be governed by the Karnataka Pension Rules 1957 before the date of commencement of these Rules shall be deemed to be option exercised for being governed by Part IV of these Rules.

²[Note 1 - In the case of Government servants in service on 31.12.1959 time for exercising the said option is extended upto ³[30th June 1961];

⁴[Note 2 - In the case of Government servants in service on 30th June 1961, time for exercising the said option is extended upto 30.6.1962];

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1. Amended by No. FD 59 SRS 59 dated 24.2.1959 (wef 5.3.1959).
 2. Inserted by No. FD 41 SRS 60 dated 6.7.1960 (wef 14.7.1960).
 3. Substituted by No. FD 26 SRS 61 dated 20-3-1961.
 4. Inserted by No. FD 73 SRS 62 dated 10.9.1962 (wef 20.9.1962).

¹[Note 3 - In the case of Government servants in service on 30th September 1962 time for exercising the said option is extended upto the 30th September 1963]

²[Note 4 - In the case of Government servants in service on the 30th September, 1963. time for exercising the said option is extended upto to the 31st March 1964];

³[Note 5 - In the case of Government servants in service on the 31st March 1964 time for exercising the said option is extended upto the 31st December 1964];

⁴[Note 6 - In respect of retirement or death while in service of Government Servants on or after 1st September 1968, the pension rules in Part IV shall apply unless the Government Servant has exercised option to be governed by the pension rules applicable to him before 31st August 1969];

(d) Part VIII of these Rules shall apply to all persons serving in connection with the affairs of the State of Karnataka in pensionable establishments and to all claims in respect of journeys and halts made by such persons:

Provided that the claims in respect of journeys and halts made by such persons under the provisions of the Karnataka Travelling Allowance Rules, 1957, and pending on the date of commencement of these Rules shall be deemed to be claims under the corresponding provisions of Part VIII of these Rules.

(2) Notwithstanding anything contained in sub-rule (1), these Rules shall not apply to -

(i) Persons employed in Industrial Underakings of the Government;

(ii) Persons in casual employment;

(iii) Persons subject to discharge from service on less than one month's notice;

(iv) Persons for whose appointment and other matters covered by these Rules, special provisions are made by or under any law for the time being in force, or in any contract

1. Inserted by No. FD 48 SRS 63 dated 6.6.1963.

2. Inserted by No. FD 4 SRS 64 dated 1.2.1964 (wef 17.2.1964).

3. Inserted by No. FD 55 SRS 64 dated 25.8.1964(wef 18.9.1964).

4. Inserted by No. FD 69 SRS 66 dated 10.10.1968.

in regard to the matters covered by such law or such contracts; and

(v) Members of the All India Services.

¹[2A. Application of Rule 285, - Notwithstanding anything contained in Rule 2, Rule 285 shall, with effect from 16th March 1970, apply to all persons serving in connection with the affairs of the State of Karnataka including persons allotted or deemed to be allotted to serve in connection with the affairs of the State of Karnataka under Section 115 of the States Reorganisation Act, 1956 (Central Act 37 of 1956)].

²[2B. Application of Rules 106-B, 214 and 254,- Notwithstanding anything contained in Rule 2, rules 106B, 214 and 254 shall apply to all persons serving in connection with the affairs of the State of Karnataka including persons allotted or deemed to be allotted to serve in connection with the affairs of the State of Karnataka under section 115 of the State Reorganisation Act, 1956 (Central Act 37 of 1956)].

³[3. Repeal and Savings:-

(i) The Karnataka Civil Services Interpretation Rules, 1957.

(ii) The Karnataka Pay and Allowances Rules, 1957; (which came into force from 1st December, 1957).

(iii) The Karnataka Leave Rules, 1957; (which came into force from 1.10.1957).

(iv) The Karnataka Pension Rules, 1957: (which came into force from 1.9.1957).

(v) The Karnataka Commutation of Pension Rules, 1957, (which came into force from 1.9.1957).

(vi) The Karnataka Extraordinary Pension Rules, 1957; (which came into force from 1.9.1957).

1. Inserted by No. FD 119 SRS 69 dated 18.8.1970 (wef 5.9.1970)

2. Inserted by No. FD 110 SRS 70 dated 22.10.1971 (wef 28.10.1971)

3. Substituted by No.FD 315 SRS 58 dated 22.12.1958 (wef 31.1.1959).

(vii) The Karnataka Government Servants' Maintenance of Records of Service Rules, 1957 (which came into force from 1.11.1957).

(viii) The Karnataka Government Servants (Foreign Service Rules,1957); (which came into force from 1st November, 1957).

(ix) The Karnataka Travelling Allowance Rules, 1957-, (which came into force from 1.9.1957) and

(x) Any rule or order corresponding to any rule in the Karnataka Civil Services Rules, 1958, made either under the proviso to Article 309 of the Constitution, or in exercise of any power by any competent authority are hereby repealed, to the extent to which the provision of any of these rules is applicable to the persons referred to in Rule 2:

Provided that any order issued, anything done or any action taken under any provision of any of the rules or orders repealed by this rule shall be deemed to have been issued, done or taken under the corresponding provisions of these rules.

All rules made under the proviso to Article 309 of the Constitution of India and all other rules and orders made by any competent authority, in force before the 1st day of April, 1958, other than the rules and orders repealed by rule 3 of the Karnataka Civil Services Rules 1958, as substituted by rule 2 of these rules, shall subject to any amendments made to the said rules and orders on or after 1st April 1958, be deemed to have continued in force on and after 1st April, 1958, as if rule 3 of the Karnataka Civil Services Rules, 1958, as originally made had never been made; and any order issued, anything done or any action taken under any such rule or order on or after the first day of April, 1958 shall be deemed always to have been validly issued, done or taken under such rule or order as if such rule or order were in force at all relevant times, and no order issued, anything done or action taken under any such rule or order shall be called in question on the ground that such rule or order was not in force at the relevant time.]

¹[3A. Notwithstanding anything contained in Rules 2 and 3, any option exercised by any person on or after the first day of April 1958 and before the first day of September 1958 to be governed by the Karnataka Leave Rules, 1957 or the Karnataka Pension Rules, 1957, shall be deemed to be option exercised for being governed by Part III or Part IV, as the case may be of these Rules and all such options shall be dealt with accordingly.]

4. For the purposes of these rules, 'service' with reference to service rendered by persons allotted or deemed to be allotted to serve in connection with the affairs of the State of Karnataka under section 115 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) includes all service rendered by them before the first day of November 1956 which was reckoned as 'service' under the rules applicable to such persons.

²[Note - In respect of personnel of the Industrial Training Centres/Institutes and the Employment Exchanges transferred from the Government of India to the State control with effect from the first day of November, 1956, the services rendered by the said personnel under the Government of India shall be counted for leave and pension to the extent it would have counted had they been continued under the Government of India, under the Central Government Rules as on 1st November, 1956. The Government of India shall contribute to the State Government such contribution as is usually admissible under rules.]

5. Any reference to any Rule or to any expression (such as earned leave, half pay leave, etc.), in these rules, shall, in relation to Government servants who have not exercised their option to be governed by Part III or Part IV of these Rules in respect of Leave or Pension, be construed as a reference to the corresponding Rule or expression contained, in the corresponding Leave Rules or Pension Rules, as the case may be applicable to such Government servants.

6. Subject to the provisions relating to protection of conditions of service, if any, under section 115 of the States Reorganisation Act, 1956, the claim of a Government servant

1. Inserted by No. FD 174 SRS 58 dated 4.9.1958 (wef 11.9.1958).

2. Inserted by No. FD 283 SRS 59 dated 16.3.1960 (wef 24.3.1960).

to pay and allowances, including travelling allowances, is regulated by the rules in force at the time at which the pay and allowances are earned; to leave, by the rules in force at the time leave is applied for and granted and to pension, by the Rules in force at the time when the Government servant retires or is discharged from the service of Government.

7. Where the State Government is satisfied that the operation of any Rule regulating the conditions of service of the State Government servants or any class of such Government servants causes undue hardship in any particular case it may, by order dispense with or relax the requirements of that Rule to such extent and subject to such conditions as it may consider necessary for dealing with any case in a just and equitable manner.

¹[7-A. xxxl

²[7-B. Officers appointed to be in charge of the current duties of a post shall be competent to exercise all administrative and financial powers vested in the regular incumbent of that post. Such an officer should not however modify or over-rule the orders already passed by the regular incumbent of the post except in emergency without obtaining the orders of the next higher authority.]

1. Deleted by NO.FD 34 SRS 61 dated 25.8.1964 (wef 17.9.1964).
2. Inserted by No.FD 41 SRS 67 dated 8.3.1967 (wef 23.3.1967).

CHAPTER I

DEFINITIONS

8. In these rules, unless the context otherwise requires,-

(1) 'ABSENTEE' means a Government servant absent from an appointment on which he has a lien, either on leave or on deputation to another appointment, whether permanent or temporary or on special duty unconnected with his own appointment or on joining time during transfer to another appointment or under suspension;

Note - A Government servant under suspension is an absentee if the suspension is confirmed.

¹[(1A) 'Allotment' means grant of licence to a Government Servant to occupy a house owned, leased or requisitioned by the Government or a portion thereof, for use by him as residence.]

(2) Actual Travelling Expenses.- "Actual Travelling Expenses" means the actual cost of transporting a Government Servant, with his servants and personal luggage including charges for ferry and other tolls, if paid, and for carriage of camp equipment (if necessary). It does not include charges for hotels, dak bungalows, or refreshments, or for the carriage of stores or conveyances, or for presents to drivers, and the like, or any allowance for such incidental losses of expenses as the breakage of crockery, the wear and tear of furniture, the entertainment of domestic servants;

(3) Age:- When a Government servant is required to retire, revert or cease to be on leave, on attaining a specified age the day on which he attains that age is reckoned as a non-working day, and the Government servant must retire, revert or cease to be on leave (as the case may be) with effect from and including that day);

²[(4) xxx]

1. Inserted by No. FD 83 SRS 68 dated 19.1.1970 (wef 7.3.1970).

2. Deleted by No. FD 25 SRS 80 dated 23.5.1980 (wef 5.6.1980).

(5) 'Audit Officer' means the Accountant General, Karnataka.

¹[(5-A) 'Authorised Medical Attendant' means-

(i) in respect of a Government servant whose pay is not less than Rs. 500 per mensem and in the case of an officer of Class 1 Service irrespective of his emoluments, the Civil Surgeon or the Principal Medical Officer appointed by the Government to attend to its officers in the station,

(ii) in respect of a Government servant whose pay is less than Rs. 500, Medical Officer, Class II, similarly appointed]

(6) 'Average pay' means the average monthly pay earned during the ²[ten complete months] immediately preceding the month in which the event occurs which necessitates the calculation of average pay:

Provided that in respect of any period spent on deputation out of India, the pay which the Government servant would have drawn, if on duty, in India, shall be substituted for the pay actually drawn.

Note 1 - According to the definition of 'average pay' in this Rule the average is to be taken of the monthly pay earned during the ²[10] complete months immediately preceding the month in which the leave is taken, and for this purpose the 10 complete months immediately preceding should be interpreted literally.

³[Thus a Government servant who has been on leave from the 23rd March 1965 to 22nd July 1965 inclusive, is granted leave from the 4th November, 1965, his average pay should be calculated on the pay earned for the periods 1st January 1965 to the 22nd March 1965 and 23rd July 1965 to 31st October 1965]. If however, a Government servant happens to have been on leave

1. Inserted by No.FD 18 SRS 61 dated 6.5.1961 (wef 8.5.1961).

2. Substituted by No.FD 70 SRS 61 dated 22.9.1961 (wef 1.10.1961).

3. Substituted by No.FD 120 SRS 66 dated 2.3.1967 (wef 23.3.1967).

for more than 10 months immediately proceeding the month in which the leave is taken, then the average should be taken of the monthly pay earned during the 10 complete months immediately preceding the month in which the previous leave commenced.

Note 2 - In the case of a Government servant of vacation department, the vacations falling in the period of 10 complete months immediately preceding the month in which leave is taken should be treated as duty and the pay drawn by the Government servant during the vacations should be treated as pay drawn on duty and should therefore be taken into account in determining his leave salary during the succeeding leave.

Note 3 - In the case of a Government servant of the vacation department both prefixing and affixing leave to a vacation, the leave salary for the leave affixed should be calculated on the pay drawn by the Government servant during the ten complete months preceding the commencement of his leave.

Note 4 - The term 'month' in this rule means 'calendar month' as in Rule 8(30).

(7) 'Cadre' means the strength of a service or part of a service sanctioned as a separate unit;

(8) 'Camp Equipage' means the apparatus for moving a service camp;

(9) "Camp Equipment" means tents and the requisites for pitching and furnishing them or where tents are not carried such articles of camp furniture as it may be necessary in the interest of the public service for a Government servant to carry with him on tour;

(10) "Class and Grade" - Appointments are said to be in the same 'Class' when they are in the same department, and bear the same designation, or have been declared by Government to be in the same class. Appointments in the same class are sometimes divided into 'Grades' according to pay;

Note - Appointments do not belong to the same Class or grade unless they have been so constituted or recognised by Government.

A ministerial officer may be appointed to act for another ministerial officer in the same office whose pay is higher than his own subject to rules governing such appointments.

(11) 'Continuous Service' means the service of a Government servant from the beginning of his service, without any break. Only leave with allowances will be included in continuous service.

(12) 'Compensatory Allowance' means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. ¹[It includes travelling allowance and local allowance], but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India;

(13) 'Competent Authority' in relation to the exercise of any power, means Government or any authority to which the power is delegated by or under these rules;

(14) 'Day' means a calendar day, beginning and ending at midnight; but an absence from headquarters which does not exceed 24 hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends;

Note - A continuous journey occupying a period of time less than 24 hours, partly before and partly after midnight, and ending before ² [dawn] shall, for mileage under Rule 522, be regarded as completed on the day preceeding the midnight.

³[(14-A) 'Dies-non' means non-duty period or period not spent on duty.

Note,- The period treated as 'dies-non' will not count as service nor will it be construed as break in service.]

(15) Duty: 'Duty' includes:-

⁴[(a) service as a probationer, subject to the provisions of the Karnataka Civil Service (Probation) Rules 1977).

⁴[Note 1, Note 2, Note 3 xxx]

1. Amended by.No. FD 109 SRS.66 dated 4.1.1967.

2. Substituted by No. FD 112 SRS 58 dated 3.7.1958 (wef 1.4.1958)

3. Inserted by No. FD 6 SRA 99 dated 15-12-1999. (w.e.f. 20-1-2000)

4. Amended by NO.FD 25 SRS 80 dated 23.5.80.

Note 4 - Service as a local candidate ¹[xxx] is to be treated as officiating or temporary service. for purposes of grant of increments, leave, pension, etc.

(b) Joining time;

Note:- If a Government servant has handed over charge of a post on receipt of the orders of transfer and if, immediately thereafter the orders of transfer are held in abeyance or cancelled, the period of compulsory waiting between the date of handing over charge and the date of resuming charge of the post should be treated as duty.

(c) a course of instruction or training authorised by or under the orders of Government;

²[Note 1- The time reasonably required by a Government servant for the journeys between the place of training and his headquarters immediately before and after the period of training, should be treated as part of that period.]

³[Exception:- Government servants returning from abroad whose period of deputation consists of only a period of duty under the rules in Annexure 'B' of Appendix-II may be granted joining time not exceeding 7 days irrespective of their places of postings.]

⁴[Note 2 -Where a Government servant deputed for training is required to attend an interview and to wait for the result of the interview before actually joining the course of instruction or training. the period intervening between, the date of interview and the date of actually joining the course of instruction or training may be treated as duty under special orders of Government.]

(d) the period occupied in appearing for an examination prescribed by Government in any regional language at which a Government servant has been granted permission to appear, or in attending an obligatory departmental examination or in attending an examination which a Government servant must pass

1. Deleted by No. FD 209 SRS 58 dated 4.12.58 (wef 1.4.1958)
2. Substituted by No.FD 39 SRS 60 dated 8.7.1960 (wef 14.7.1960).
3. Inserted by No. FD 152 SRS 67 dated 5.3.1968.
4. Inserted by NO.FD 19 SRS 64 dated 7.7.1964 (wef 28.7.1964).

to become eligible for a higher post in any branch of the public service, ¹[or attending the Kannada Typewriting or Kannada Shorthand Examinations conducted by the Department of Public instruction] including the time reasonably necessary for going to and from the place of examination; provided that such period shall be deemed to be on duty only twice in respect of each obligatory examinations.

Note - In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave. If the examination takes place immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination.

²[(e) XXX]

³[(f) the period spent by a Government servant awaiting orders of posting after relief from a post under Government or after reporting for duty on return from leave, training or deputation; provided such waiting is approved by Government as unavoidable.

Note- The term deputation used in this clause includes deputation on 'foreign service']

⁴[(g)the period spent by a Government servant, who is engaged or deployed temporarily on special duty by or under orders of the competent authority, including the time reasonably necessary to travel to and from the place of such special duty,

Note - Deployment of a Government servant on special duty does not amount to transfer. A Government servant may be deployed on special duty by the Head of the Department concerned temporarily for a period not exceeding one month.]

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1. Inserted by No. FD 129 SRS 73 dated, 23.11.1973.
 2. Deleted by No. FD 51 SRS 65 dated 15.7.1966.
 3. Substituted by No.FD 150 SRS 68 dated 2.11.1968.
 4. Substituted by No.FD 66 SRS 79 dated 15.11.1980 (wef 27.11.1980)

¹[(h) the period spent by a Government servant whose services are engaged by a delinquent Government servant in accordance with the provision of ²[Rule 11(8) of the Karnataka Civil Services (CCA) Rules, 1957,] in his defence in the disciplinary proceedings instituted against him, in assisting the delinquent Government servant.]

³[(16) 'Family' means the wife or husband and legitimate children including step children of the Government servant residing with and wholly dependent on the Government servant and for the purpose of claiming travelling allowance for journeys on transfer, also, includes the parents residing with and wholly dependent on the Government servant.]

(17) 'Fees' means a recurring or non-recurring payment to a Government servant from a source, other than the Consolidated Fund of the State or the Consolidated Fund of India or of other States, whether made directly to the Government servant or indirectly through the intermediary of Government but does not include,-

(a) unearned income, such as income from property, dividends and interest on securities;

(b) income from literary, cultural or artistic efforts, if such efforts are not aided by the knowledge acquired by the Government servant in the course of his service;

1. Inserted by No. FD 103 SRS 74 dated 13.9.1974 (wef 9.1.1964).

2. Amended by No. FD 103 SRS 74 dated 25.2.1975 (wef 24.1.1974).

3. Substituted by No. FD 8 SRA 99 dated 2.6.2000.

¹[Explanation - When the income referred to in clause (b) above is the result of efforts aided by the knowledge acquired by the Government servant in the course of his service, it is subject, to the provisions of Rule 29. However, if such, income is, derived from sale or royalties of a book written by the Government servant with the aid of the knowledge acquired by him during the course of his service and if such book is not a mere compilation of Government rules, regulations or procedure, but reveals the author's scholarly study of the subject. Government may exempt such income from the operation of Rule 29. The Department concerned should furnish a certificate to the above effect while recommending to Government relaxation of the said Rule in such cases.]

(18) 'First Appointment' includes the appointment of a person not at the time holding any appointment under Government even though he may have previously held such an appointment,

(19) 'Foreign Service' means service in which a Government servant receives his substantive pay with the sanction of Government, from any source other than the Consolidated Fund of the State;

² [xxx]

³[(19-A) Foreign Service Allowance is an allowance granted by a foreign employer to a Government servant deputed to foreign service.]

⁴ [Note xxxl

(20) "A Gazetted Government Servant' is one who is a member of an All India Service or State Civil Service, Class I or II or a person appointed in accordance with the terms of a contract or agreement and whose appointment is Gazetted by Government;

(21) Heads of Department.- This term includes the officers mentioned in Appendix-I and any others whom Government may from time to time declare to be Heads of Departments.

1. Inserted by No. FD 88 SRS 60 dated 1.7.1960 (wef 14.7.1960).

2. Deleted by No. FD 86 SRS 66 dated 12.12.1966.

3. Inserted by No. FD 21 SRS 68 dated 8.4.1968.

4. Deleted by No. FD 52 SRS 73 dated 24.12.1973.

(22) 'Holiday' means a holiday prescribed or notified by Government as such; and in relation to any particular office, includes a day on which such office is ordered to be closed by a competent authority for the transactions of Government business without reserve or qualification;

(23) 'Honorarium' means a recurring or non-recurring payment granted to a Government servant ¹[from the consolidated fund of the State] under whom he is employed or of any other Government in India as remuneration for work of an occasional or intermittent character;

²[(24) 'Joining time' means time allowed to a Government servant to join a new post or to travel to a station to which he is posted'.]

(25) 'Leave Salary' means the monthly amount paid by the Government to a Government servant on leave:

(26) 'Lien' means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively;

³[Note - Government may permit a Government servant to retain a lien on a temporary appointment in special cases, such as absence on study or training outside India. Attention is also invited to ⁴ [Note 4 under clause (f) of Rule 20] and to Rule 423.]

⁵[(27) Local Allowance:-A 'Local allowance' is an allowance granted in consideration of exceptional local circumstances. such as the unhealthiness or expensiveness of the locality;

Note - Project Allowance granted to the staff of the Public Works Department and other Departments attached to construction projects (Irrigation or Power Projects) is a local allowance granted on account of the expensiveness of the locality.]

1. Substituted by No. FD 184 SRS 59 dated 8.9.1959 (wef 14.9.1959)

2. Substituted by FD 66 SRS 79 dated 15.11.1980 (wef 27.11.1980).

3. Substituted by No. FD 212 SRS 59 dated 15.12.1959 (wef 24.12.1959).

4. Amended by No. FD 196 SRS 60 dated 1.11.1961

5. Substituted by No. FD 197 SRS 59 dated 27.5.1964 (wef 1.8.1961).

¹[(27-A) Local Candidate:- A 'Local Candidate' in service means a temporary Government servant not appointed regularly as per rules of recruitment to that service;]

(28) 'Local Fund' means (1) Revenues administered by local bodies or other bodies, which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally, or to specific matters, such as the sanctioning of the budgets, sanction to the creation of filling up of particular posts or the making of leave, pension or similar rules., and

(2) the revenues of any body which may be specially notified by Government as a local fund;

(29) 'Ministerial servant' means a Government servant whose duties are entirely clerical and any other class of servants specially defined as such by Government;

(30) 'Month' means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently;

Note - In calculating a period of 3 months and 20 days from 25th January, 3 months should be taken as ending On 24th April, and the 20 days on 14th May. In the same way, the period from 30th January to 2nd March should be reckoned as 1 month and 2 days, because one month from 30th January ends on 28th February. A period of one month and 29 days commencing from the 1st January will expire, in an ordinary year (in which February is a month of 28 days) on the last day of February, because a period of 29 days cannot obviously mean to exceed a period of full calendar month and a period of two months from 1st January would end on the last day of February. The same would be the case if February were a month of 29 days or if the broken period were 28 days (in an ordinary year).

1. Inserted by No. FD 209 SRS 58 dated 4.12. 1958 (wef 1.4.1958).

(31) Officiate:- A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien;

Note 1 - The authority which has power to make substantive appointment to a vacant post may appoint a Government servant to officiate in it.

Note 2 - A post vacated by a Government servant who has been dismissed should not be filled substantively pending the result of such appeal as the rules permit.

¹[(32) 'Pay' means the amount drawn monthly by a Government servant as the pay which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre and shall also include;

(a) stagnation increment, if any, granted to him above the maximum of the scale of pay;

(b) additional increment, if any, granted to him above the maximum of the scale of pay, in accordance with the provisions of rule 6 of the Karnataka Civil Services (Service and Kannada Language Examinations) Rules, 1974;

(c) personal pay, if any, granted to him under the Karnataka Civil Services (Revised Pay) Rules, issued by the Government from time to time;

(d) any other emoluments specifically classed as pay by the Government.]

(33) Pension:-Except when the term 'Pension' is used in contradistinction to 'Gratuity' 'Pension' includes 'Gratuity'.

(34) 'Permanent Post':-means a post carrying a definite rate of pay sanctioned without limit of time.,

(35) 'Personal Pay':-means additional pay granted to a Government servant:-

1. Substituted by No. FD 5 SRA 96 dated 12.8.1996 (wef 14.8.1996)

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure, or

(b) in exceptional circumstances, on other personal considerations.

Unless in any case it is specially ordered otherwise, a personal pay should be reduced by any amount by which the recipient's pay may be increased and should cease as soon as his pay is increased by an amount equal to his personal pay;

(36) Presumptive Pay of a post, when used with reference to any particular Government servant, means the pay to which, he would, be entitled, if he held the post substantively and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned;

¹[(37) The term 'Probationer' shall have the same meaning as given to it under the Karnataka Civil Services (Probation) Rules, 1977'

Note 1 - A probationer is treated for all purposes as a temporary' Government Servant.

Note 2 - In computing the period of probation Extraordinary leave granted to a probationer during the period of his probation shall be excluded.]

(38) Public Conveyance means a train or other conveyance which plies regularly for the conveyance of passengers;

Note 1 - Carts, cabs and horses are not regarded as public conveyances for the purpose of travelling allowance rules.

Note 2 - The test to be applied is whether the conveyance belongs to a regular established line of carriages running a regular course and not deviating therefrom according to the wishes of passengers.

1. Substituted by No. FD 25 SRS 80 dated 23-5- 1980 (wef 5-6- 1980).

¹[(39) X X X]

(40) 'Quasi permanent Post:-means a temporary post sanctioned initially for a period of not less than three years.,

Note - Appointment of a Government servant against a quasi~permanent post cannot be considered to be appointment to a permanent post in a substantive capacity and fixation of initial pay in such cases will have to be regulated as per the provisions of Rule 45.

²[(40-A) 'Quasi-permanent service' means temporary service commencing from the date on which the appointing authority, being satisfied as to the suitability of the Government servant who has been in continuous service for more than three years, as to his age, qualification, work and character for Employment in a quasi-permanent capacity has issued a declaration to the effect, and shall consist of periods of duty and leave (other than extraordinary leave) after that date.

Note 1 - A declaration issued by the Appointing Authority shall specify the particular post or the particular grade of posts within a cadre, in respect of which it is issued and the date from which It takes effect.

Note 2- Quasi permanent tenure has been evolved with the object of attaching certain benefits to temporary services if rendered for as long as three years and more. Quasi-permanent service ripens into a permanent service when the Government servant is appointed to a permanent post in a substantive capacity]

(41) Rule of Proportions:- Pensions or leave allowance are said to be chargeable according to the Rule of Proportions, when the charge is debitable to several accounts in the proportion in which, in the case of pension, the aggregate pay and leave salary drawn by the officer during the whole of his qualifying service has been paid from them; or in the case of leave allowances, the .aggregate pay drawn by the officer during the portion of his service immediately preceding the beginning of his leave, which is taken into account in calculating the leave granted to him, was charged to such several accounts.

1. Deleted No. FD 53 SRS 62 dated 12-2-1963 (wef 1-8-1961).
2. Inserted by No. FD 39 SRS 65 dated 1-6-1966.

Note - If according to the Rule of Proportions the share of pension or leave allowance chargeable to one account does not exceed one rupee, no charge shall be made to this account, and the share, shall be borne by the account chargeable with the greatest share.

When leave allowances are chargeable according to the Rule of Proportions, the following is the service to be taken into account:-

(a) Earned leave:- Duty without interruption for a period eleven times as long as the leave.

(b) Half pay leave or commuted leave :- Service immediately prior to the leave, which is taken into account for calculating the leave due.

(42) ¹['Special Allowance'] means an addition, of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of-

(a) the specially arduous nature of the duties: or

(b) a specific addition to the work or responsibility; or

(c) the unhealthiness of the locality in which the work is performed.

(43) 'Subsistence Grant' means a monthly grant made to Government servant who is not in receipt of pay or leave salary;

(44) 'Substantive Pay' means the pay, other than special pay, personal pay or emoluments classed as pay by Government, under clause (32) (iii) to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre;

(45) "Technical Pay" means pay granted to a Government servant in consideration of the fact that he has received technical training outside India;

(46) 'Temporary Post' means a post carrying a definite rate of pay sanctioned for a limited time;

1. Substituted by No. FD 7 SRA 99, dated 29-4-2000 (w.e.f. 1-4-1998)

(47) 'Tenure Post' :-means a permanent post which an individual Government servant may not hold for more than a limited period without reappointment. In case of doubt Government will decide whether a particular post is or is not a tenure post;

(48)(a) 'Time Scale Pay' means pay which subject to any conditions prescribed in these Rules or any other Rules made under article 309 of the Constitution, rises by periodical increments from a minimum to a maximum. It includes the class of pay called progressive pay;

(b) Time scales are said to be identical, if the minimum, the maximum, the period of increment, and the rate of increment of the time scales, are identical;

(c) A post is said to be on the same time scale as another post on a time scale, if the two time scales are identical and the posts fall within a cadre or class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post;

(49) 'Transfer' means the movement of a Government servant from one headquarters station in which he is employed to another such station, either (a) to take up the duties of a new post; or (b) in consequence of a change of his headquarters;

(50) 'Travelling Allowance' means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of public service. It includes allowance granted for the maintenance of conveyances, horses and tents.

***PART II PAY AND ALLOWANCES**

CHAPTER II

GENERAL CONDITIONS OF SERVICE

**MEDICAL CERTIFICATE OF FITNESS ON FIRST ENTRY INTO
GOVERNMENT SERVICE**

- ¹[9.
- 10.
- 11. xxx]

CHARGE OF OFFICE

12. Unless, for special recorded reasons which must be of a public nature, the authority under whose orders the transfer takes place, permits or requires it to be made in any particular case elsewhere, or otherwise, the charge of an office must be made over at its headquarters, both the relieving and the relieved Government servants being present.

13. As a general rule and subject to any special orders to the contrary in particular cases, the headquarters of a Government servant on the staff of Government, as for instance, a Secretary to Government or a clerk in the Government Secretariat, are the headquarters, for the time being of the Government.

14. The headquarters of any other Government servant are either the station which has been declared to be his headquarters by the authority competent to prescribe his headquarters for the purpose of travelling allowance or, in the absence of such declaration, the station where the records of his office are kept.

*The rules in this Part supersede the Karnataka Pay and Allowances Rules 1957 which came into force from 1.12.1957 and all claims under the Pay and Allowances Rules, 1957 pending on the date of coming into force of this part will be dealt with in accordance with the corresponding provisions of this Part.

1. Deleted by No. FD 36 SRS 75 dated 27.7.1978 (wef 23.2.1978).

LEAVING JURISDICTION

15. No Government servant other than a police officer acting within his legal powers is entitled to pay or allowances for any time he may spend beyond the limits of his ¹[charge] without proper authority.

Note 1 - An authority competent to sanction casual leave to a Government servant may permit him to leave headquarters during holidays or during casual leave.

Note 2 - Sanction of Government is not necessary for journeys performed by Public Prosecutors outside their jurisdiction for attending to criminal cases of their district when summoned by a Sessions Court.

16. (a) Heads of Department mentioned in Appendix I may authorise any Government servant or subordinate under their control to proceed on duty beyond the limits of his charge but within the State. The subordinate authorities may exercise this power to proceed on duty within their jurisdiction.

²[Note 1 - Treasury officials (a) accompanying remittances (b) travelling to and from Bangalore in connection with the delivery of Treasury Accounts and Schedules to the office of the Accountant General, Karnataka, Bangalore (c) deputed for work connected with transfer of stamps to or from the office of the Superintendent of stamps, Bangalore or among the local or branch depots in the State (d) working in the District Treasury Office, Karwar and Coorg (Mercara) deputed for taking delivery of stamp cases or forms or parcels etc., from the nearest Railway Station or from the office outside the District, are exempted from the operation of this Rule. The Travelling Allowance claims of Treasury officials accompanying remittances should be supported by a certificate prescribed in the Karnataka Treasury Code.]

Note 2 - Police Officers may, in special circumstances, proceed beyond the limits of their charge but within the State without previous sanction, subject to ratification by the sanctioning authority in each case after completing the journeys.

1. Substituted by No. FD 17 SRS 61 dated 20.2.1961 (wef 2.3.1961)

2. Substituted by No. FD 79 SRS 75 dated 15.3.1977 (wef 16.6.1975).

Note 3- The District Superintendents of Police are authorised to permit the officers subordinate to them to proceed on journeys outside the limits of their charge and beyond their jurisdiction.

¹[Note 4 - The District and Sessions Judges and the District Magistrates in charge of the Criminal Courts in the District (independent charge) may authorise any Government servant or subordinate under their control to proceed on duty beyond the limits of his charge but within their jurisdiction.]

(b) For proceeding beyond the limits of the State, sanction of Government is necessary.

Note 1 - This Rule does not apply to cases where a Government servant, in order to shorten his journey to some place within his jurisdiction has to pass through stations outside his jurisdiction.

Note 2 - The Heads of Departments are empowered to sanction journeys outside the State in the case of non-gazetted Government servants.

²[They are also empowered to sanction journeys of Gazetted Officers on duty outside the State involving a period of halt not exceeding 15 days.]

Note 3 - General Sanction is accorded to members of the Excise Reserve Staff proceeding beyond the limits of the State when necessary in the interest of their work.

Note 4- The Excise Commissioner is empowered to sanction journeys outside the State by District Excise Officers for purposes of inspecting at intervals the groves of date and other palm, opium and ganja shops in the Madras State. Such journeys should be kept at a minimum consistently with the interest of excise revenue.

³[Note 4-A- The Commissioner of Commercial Taxes, Bangalore, is empowered to sanction journeys outside the State by the Deputy Commissioner, Commercial Taxes, Assistant Commissioner, Commercial Taxes, Commercial Tax Officers, Assistant Commercial Tax Officers and Commercial Tax Inspectors on duties connected with study of the pattern of taxation

1. Inserted by No.FD 15 SRS 62 dated 1.3.1962.

2. Inserted by No.FD 74 SRS 69 dated 19.1.1970 (wef 7.3.1970).

3. Inserted by No.FD 81 SRS 76 dated 11.7.1977 (wef 28.7.1977).

measures, investigation of cases of evasion of taxes, giving evidence or producing documents in Court cases, etc.]

Note 5 - Police Officers both gazetted and, non-gazetted, are permitted to proceed beyond the limits of the State on duties connected with police officers' meetings investigation of crime, arrest and escort of accused and security measures subject to the sanction of the Head of the Department.

Note 6 - Police Officers may in an emergency, proceed outside the State without previous sanction for purposes of investigation and detection work, subject to ratification by the sanctioning authority in each cases after completing the journeys.

¹[Note 7 - The above Rule does not apply to journeys performed to a place within the state, through areas of another State.]

²[Note 8 - The Public Works Department Officers-in-charge of Hidkal and Hadalga Dam-Projects, are authorised to perform journey in the catchment area of Ghataprabha river and its tributaries so far as the Ghataprabha Project is concerned (even though these places are outside the Karnataka State)]

³[Note 9 - The following officers of the Public Works Department are authorised to perform journeys to Thirupathi, Thirumalai and Thiruchandur for maintenance and inspection of the Choultry buildings at these places (outside the Karnataka State):-

1.Executive Engineer, Kolar Division	Once in a year to suggest improvements etc.,
2. ⁴ [Assistant Executive Engineer, Division I or Assistant Executive Engineer Division II] Kolar Sub Division	Twice in a year. One journey for assessing the nature and quantum of works to be done and other for check measurements

1. Inserted by No.FD 255 SRS 58 dt. 28.10.1958 (wef 6.11.1958).

2. Inserted by No.FD 55 SRS 59 dt. 6.3.1959 (wef 12.3.1959).

3. Inserted by No.FD 244 SRS 59 dt. 3.12.1959 (wef 10.12.1959).

4. Substituted by No.FD 14 SRS 79 dt. 30.7.1979.

3. Subordinate attached to Kolar Sub Division

Thrice in a year. One journey for survey for preparing A.R. estimates, another for supervision of work and taking measurements and the third with the ¹[Assistant Executive Engineer Division I or Assistant Executive Engineer Division II.] for check measurements.

²[Note 10. xxx]

GENERAL RULES REGARDING LIEN ON APPOINTMENT AND ADMISSIBILITY OF ALLOWANCES

17(a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

18(a) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

(b) Unless, in any case, it be otherwise provided in the rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

19. Unless his lien is suspended under Rule 20, a Government servant holding substantively a permanent post retains a lien on that post-

(a) While performing duties of that post;

(b) while on foreign service, or holding a temporary post or officiating in another posts;

1. Substituted by No. FD 14 SRS 79 dated 30.7.1979.

2. Deleted by No. FD 14 SRS 78 dated 22.9.1978 (wef 28.9.1978).

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post:

(d) while on leave.,

(e) while under suspension.

20.(a) Government ¹[shall] suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity-

(1) to a tenure post, or

²[(2)]

(3) Provisionally to a post on which another Government servant would hold a lien had his lien not been suspended under this Rule.

(b) Government may at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of the State of Karnataka or transferred to foreign service, or in circumstances not covered by clause (a) of this Rule, ³[is transferred in an officiating capacity] to a post in another cadre and if any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this Rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post his lien on the tenure post must be terminated.

(d) If a Government Servant's lien on a post is suspended under clause (a) or (b) of this Rule, the post may be filled substantively, and the Government servant appointed to hold it substantively shall acquire a lien on it, provided that the arrangements shall be reversed as soon as the suspended lien revives .

1. Substituted by No. FD 61 SRS 63 dated 30.11.1963 (wef 18.12.1963).

2. Deleted by No. FD 89 SRS 67 dated 19.10.1967.

3. Substituted by No. FD 89 SRS 67 dated 19.10.1967.

Note - When a post is filled substantively under this clause the appointment will be termed as provisional appointment; the Government servant appointed will hold a provisional lien on the post and that lien will be liable to suspension under clause (a) but not under clause (b) of this Rule.

(e) A Government servant's lien which has been suspended under clause (a) of this Rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1) ¹[....] or (3) of that clause.

(f) A Government servant's lien which has been suspended under clause (b), of this Rule shall revive as soon as he ceases to be on deputation outside the State of Karnataka or on foreign service or to hold a post referred to in clause (b) provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation outside the State of Karnataka or on foreign service or to hold a post referred to in clause (b) and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub clause (1) ¹[.....] or (3) of clause (a).

Note 1 - Only one provisionally substantive appointment is permissible against one post. A provisionally substantive appointment is permissible against a vacant permanent post.

Note 2 - The power to make provisionally permanent arrangements and to order suspension of lien is delegated to Heads of Department in the case of non-gazetted Government servants.

Note 3 - The lien of a Government servant cannot be suspended while he is on probation in another post. If the Government servant completes the period of probation satisfactorily, suspension of lien may be made with retrospective effect from the date on which the Government servant was transferred to other duty, provided that the conditions in clause (b) above are otherwise satisfied.

²[Note 4 - When a Government servant who has secured employment in one Department of Government under the rules of recruitment, seeks employment on his own accord in

1. Deleted by No. FD 89 SRS 67 dated 22.11.1967.

2. Amended by No. FD 63 SRS 63 dated 28.12.1963.(wef 20.1.1964).

another unit or Department or in another cadre or grade in the same Department, his lien on the original appointment shall be continued to be maintained provided he has already been confirmed in the post till he is permanently absorbed in the Department or cadre in which he is newly appointed and he shall be given the benefit of the past service for purposes of leave and pension. If, however, he is temporary in the first appointment, he will cease, to have any connection with his old appointment but he shall be given only the benefit of the past service for leave and pension]

(g) (i) A Government servant's lien on a post may in no circumstances be terminated even with his consent if the result will be to leave him without a lien, or a suspended lien upon a permanent post.

¹[(ii)]

(h) Government may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

Note - The Head of the Department is empowered to transfer a lien provided that he or an authority subordinate to him is authorised to make appointments to both the posts concerned.

²[(i) A Government servant's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central or State Government outside the cadre on which he is borne)].

³[20-A(1) A Government servant may be transferred from one post to another, provided that except-

- (i) as penalty imposed for misconduct, or
- (ii) on his written request.

A Government servant shall not be transferred substantively to or except in the case covered by Rule 66 appointed to officiate in a post carrying less pay than the pay of the post on which he holds a lien or would hold a lien had his lien not been suspended under Rule 20.

1. Deleted by No. FD 89 SRS 67 dated 19.10.1967.

2. Inserted by No.FD 89 SRS 67 dated 19.10.67

3. Inserted by No. FD 178 SRS 59 dated 26.8.1959 (wef 3.9.1959.)

(2) Nothing contained in sub-rule (1) of this Rule or clause (26) of Rule 8 shall operate to prevent the retransfer of a Government servant to the post on which he would hold a lien had it not been suspended in accordance with the provisions of clause (a) of Rule 20].

21. A Government servant may be required to subscribe to a Government Insurance Fund, Provident Fund, a Family Pension Fund or other similar fund in accordance with such rules as the Governor may, under Article 309 of the Constitution, prescribe.

22. Subject to any exception specially made in these rules, a Government servant shall begin to draw the pay and allowance of a post with effect from the date when he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties.

23. Unless it be otherwise provided by special rule or contract the pay of Government servant begins when he takes charge of the appointment in respect of which it is earned. If the charge is transferred afternoon, the transfer does not affect allowances until the next day. Twelve Noon will be treated as Forenoon.

If, however, the substantive appointment of a Government servant is changed while he is officiating in an appointment or if while so officiating, a Government servant is appointed for the first time to some substantive office, then, provided that the tenure of his officiating appointment is not interrupted by his new substantive appointment he may draw the pay thereof without joining it from the date on which the substantive office becomes vacant.

Promotions involving change of duties shall take effect from the date when the Government servant assumes the duties of that post.

24. Every relieving Government servant is responsible for informing the Government servant to be relieved at the earliest possible moment of the date when he will be in a position to receive charge and it is the duty of the Government servant to be relieved to be in readiness to deliver charge on that date.

When more than one day is occupied in making over charge the last day should be entered in the report, and an explanation should be submitted.

¹[25 xxx].

ADDITIONS TO PAY

²[26(a) Unless in any case it be otherwise distinctly provided the whole time of a Government servant is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from the Consolidated Fund, from a Local fund or from the Funds of ³[a body incorporated or not, which is wholly or substantially owned or controlled by the Government.)]

(b) When Municipal Bodies and Other Bodies administering local funds require gratuitous advice and services of officers of the public works or other Departments, Government shall be referred to, which will indicate in each instance to which Government servant application for advice or assistance should be made. The Government servants thus consulted shall give their advice, or if necessary, direct supervision and assistance, without charge.

27. Without the sanction of Government:-

(i) no increase may be given to the pay of a Government servant for the performance of any special duty outside the duty of his regular appointment from Local, Municipal or Other Funds administered by Government;

(ii) no grant may be given to any Government servant from the Consolidated Fund of the State as a bonus or honorarium for work done on behalf of the above out of office hours and beyond the regular duties of his office, payment for which is a proper charge against it.

FEES AND HONORARIA

General Rules

28(a) Fees:- A competent authority may permit a Government servant, if it be satisfied that this can be done without detriment to his official duties or responsibilities to perform a specified service or series of services for a private person or body or for a public body, including a body administering a local fund and

1. Deleted by No.FD 57 SRS 65 dated 15.6.1968 (wef 11.7.1968).
2. Substituted by No. FD 276 SRS 58 dated 25.11.1958.
3. Amended by No. FD 55 SRS 60 dated 25.4.1960 (wef 5.5.1960).

to receive as remuneration therefor, if the service be material, a nonrecurring or recurring fee.

(b) Honoraria:- A competent authority may grant or permit a Government servant to receive an honorarium as remuneration for work performed which is occasional ¹[or intermittent) in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons, which should be recorded in writing, exist for a departure from the provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of Government and its amount has been settled in advance.

Note 1 - The following general principles are laid down for payment of fees and honoraria:-

(a) No honoraria should be paid in respect of any work which can fairly be regarded as part of the legitimate duties of the Government servant concerned.

(b) It is one of the liabilities of Government servants to have to work outside office hours in exceptional times and circumstances. No honoraria should ordinarily be given on this account, but continuous working out of office hours and on authorised holidays may justify a claim to honoraria or to special pay.

(c) No honoraria should be paid to Government servants for attending meetings of Boards and Committees financed wholly or partly ²[from the Consolidated Fund of the State].

(d) The amount of an honorarium or fee must be fixed with due regard to the value of the service in return for which it is given. The maximum fee permitted by any rule is not to be given in cases in which any smaller fee would be fair and sufficient.

(e) When the service rendered falls within the scope of the ordinary duties of the Government servant performing it, the text of special merit prescribed in this rule must be very strictly applied.

Note 2 - The temporary increase in work due to the holding of special conferences under the auspices of a department of subordinate authority or of interdepartmental committees are normal

1. Inserted by No. FD 362 SRS 59 dated 14.12.1959 (wef 17.12.1959)

2. Substituted by No. FD 184 SRS 59 dated 8.9.1959.

incidents of Government service, and form part of the legitimate duties of Government servants according to the general principle enunciated in Note 1. Those so employed have, therefore, no claim to extra remuneration.

Note 3 - In the case of both fees and honoraria, the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Note 1 and shall record also the reasons which in its opinion justify the grant of extra remuneration.

¹[(c) Any Government servant is eligible to receive and, except as otherwise provided by a general or special order of the Government, to retain without special permission-

(i) the premium awarded for an essay or plan in public competitions;

(ii) any reward offered for the arrest of criminal or for information or special service in connection with the administration of justice;

(iii) any reward payable in accordance with the provisions of any Act or Regulation or Rules framed thereunder;

(iv) any reward sanctioned for services in connection with the administration of the Excise and other Laws; and

(v) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.]

(d) Remuneration shall not be given under these rules for superintending examinations rendered compulsory on persons belonging to the public service, but may be granted in the case of examinations of candidates for admission to the service, or where it has been specially authorised heretofore, or when the fees received from the persons examined meet the whole charge.

Note 1 - In the case of all Government servants under their control, the Heads of Departments can sanction the acceptance of remuneration in accordance with the scale sanctioned by Government for work as examiners for examinations conducted by the Educational Department ²[xxx] and other Examining Bodies set up by Government, and by the Karnataka University or the University of Mysore.

1. Substituted by No. FD 205 SRS 59 dated 8.9.1959 (wef 14.9.1959).

2. Deleted by No.FD 19 SRS 62 dated 15.3.1962

¹[Note 2 - Government servants are permitted to accept remuneration in accordance with the scale sanctioned by Government for work as examiners in connection with the Service/ Departmental Examinations conducted by the Karnataka Public Service Commission without the permission of their higher authorities.]

²[Note 3 - Officers of the Forest Department are permitted to undertake the work of Examiners in connection with the Examination conducted by the Forest Colleges at Dehradun and Coimbatore and to accept remuneration therefore, such remuneration being restricted to Rs.500 in a year.]

³[Note 4 - Government Servants are permitted to accept remuneration in accordance with the scale sanctioned by the Union Public Service Commission for work as examiners, moderators etc., in connection with the service/Departmental Examinations conducted by the Union Public Service Commission without permission of their higher authorities.]

⁴[This concession is applicable also to the Government servants appointed as Paper Setters, Moderators or Examiners by the Secretariat Training School, (Examination Wing), Department of Personnel, New Delhi.]

⁵[Note 5 - Government Servants are permitted to accept remuneration in accordance with the scale sanctioned by the National Academy of Administration/ National Police Academy for work as examiners, moderators etc., in connection with the examinations conducted by the National Academy of Administration/ National Police Academy without the permission of their higher authorities.]

(e) A Government servant called upon by Court of Law to act as a commissioner to give evidence on technical matters may comply with the request, provided that the case is not of such a nature as will be likely to come before him in the course of his official duties, and may accept such fees or honoraria as are fixed by the Court.

(f) In other cases, not provided for by existing orders, sanction of Government should be obtained to the grant of remunerations in addition to the fixed pay of any Government servant.

1. Inserted by No.FD 19 SRS 62 dated 15.3.1962

2. Inserted by No.FD 37 SRS 66 dated 17.6.1966

3. Inserted by No.FD 126 SRS 69 dated 29.10.69 (wef 8.9.1969)

4. Inserted by No.FD 187 SRS 71 dated 23.11.1971 (wef 23.6.1971)

5. Inserted by No. FD 126 SRS 69 dated 29.1.70 (wef 18.12.1969)

(g) A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain a patent for an invention made by such Government servant save with the permission of the Government and in accordance with such conditions as Government may impose.

FEES - SUBSIDIARY RULES

29(a) Any Government servant may receive a fee from a private person or private body or a public body whose funds are not administered by Government for work done for it, provided :-

(1) he has undertaken the work with the knowledge and¹[sanction of Government and it can be carried out without detriment to his official duties.]

Note - It is incorrect for Government servants, who are wholetime Government employees to accept private employment (particularly part-time work daily) which may conflict with their official duties. Permission for such employment should be accorded only for a work of a quasi-Government nature of an educational Institution, Local Body, or a Co-operative Institution.

²[(2), (3) xxx]

(4) that unless Government by special order otherwise directs, one-third of any fee in excess of Rs.250 or, if recurring, a fee of Rs.250 a year, paid to a Government servant shall be credited to the Consolidated Fund of the State.

If any fee to which this Rule applies exceeds Rs.250 non recurring or Rs.250 a year recurring, one-third of the total amount payable should be credited to the Consolidated Fund, provided that the amount retained by the Government servant concerned will not, merely owing to the operation of this rule, be reduced below Rs.250, if non-recurring or Rs.250 a year if recurring.

Non-recurring and recurring fees should be dealt with separately and should not be added, for the purpose of crediting one third to General Revenues under this Rule. In the case of the former, the limit of Rs.250 prescribed in this Rule should be applied in each individual case and, in the case of the latter, the limit should be applied with reference to the total recurring fees for the financial year.

1. Substituted by No. FD 43 SRS 68 dated 3.6.1968 (wef 28.6.1968)

2. Deleted by No. FD 43 SRS 68 dated 3.6.68 (wef 28.6.1968)

¹[Provided further that where the fee received by a Government Servant in any year exceed Rs.2,500 (whether recurring or non-recurring), fifty per cent of such fee shall be credited to the Consolidated Fund of the State subject to the condition that the amount of the fee retained by the Government Servant shall not be reduced below Rs.1,670 owing to the operation of this proviso.]

The condition laid down in clause 4 above will not apply in respect of the following items:-

(i) fees received by a Government servant in the capacity of an office-bearer of a Co-operative Society working for the benefit of Government servants only;

(ii) remuneration earned by Government servants for lectures delivered including radio broadcasts, publication of papers, pamphlets etc., provided that in any individual case the remuneration received for each of the above items does not exceed rupees five hundred on each occasion;

(iii) remuneration received by Government servants and members of the teaching staff for work done by them as examiners of the University of Mysore or other Universities or other Examining Bodies; ²[xxx...]

(iv) fees received to the extent of ³[Rs.50] per mensem by Government servants working as part-time teachers in commercial and other Institutions under private management and fees received by a Government servant for part-time work in a Local Body or the Mysore University;

(v) remuneration received by Government servants, either from the Government of India or from the funds of Institutions either directly under the control of the Government of India, or aided or sponsored by them or the State Government;

⁴[(vi) fees levied for the services of police deputed for duty on the application of private persons, institutions or authority in accordance with rule 507 of the Karnataka Police Manual and disbursed to the staff;]

⁵[(vii) Income derived by a Government servant from exploitation of a patent for an invention taken out by him with the permission of competent authority under clause (g) of rule 28.]

1. Inserted by No.FD 54 SRS 69 dated 12.11.1969

2. Deleted by No.FD 86 SRS 68 dated 17.6.1968 (wef 11.7.1968)

3. Amended by No.FD 16 SRS 65 dated 14.5.1965 (wef 17.6.1965)

4. Inserted by No.FD 267 SRS 59 dated 9.2.1960 (wef 18.2.1960)

5. Inserted by No.FD 88 SRS 60 dated 1.7.1960 (wef 14.7.1960)

¹[Note - Remuneration received by Tahsildars or Deputy Tahsildars appointed as Receivers by Courts of Law to take possession of any property which is the subject matter of a dispute pending before the Court, shall be subject to recovery under this clause.]

(b) when the work undertaken for a private body is such that it must be done during the time which would otherwise be employed in the service of Government, the fee should be credited to Government, ¹[but Government] may grant to the Government servant concerned such portion of the fee realized as it may deem suitable subject to provisions of sub-clause (4) of clause (a) supra.

Note 1 - Government servants who serve as Directors of Joint Stock Companies or as members of other institutions (such as the Indian Institute of Science), by virtue of their official position, should credit to Government any fees which they may receive for attending Directors' or other meetings, and where necessary they will be allowed to draw, on such occasions, travelling allowance as on duty.

The officers concerned should invariably furnish in the travelling allowance bills (in which travelling allowance is claimed for attending Directors' or other meetings of Joint Stock Companies, etc.,) the following certificate:-

"Certified that I have not received any amount in the shape of Directors' fees or sitting fees from the Company for attending meeting in respect of which travelling allowance is claimed or that the fees received have been credited to the Treasury (Government Account)"

²[Note 2 - In cases where travelling allowance is not admissible under the rules a Conveyance Allowance of an amount equivalent to a daily allowance may be allowed. Where however sitting fees and/or Conveyance charges are paid by the institutions or organisations the Directors/ Members may retain an amount equal to a daily allowance and credit the excess to Government.]

³ [(c) xxx]

1. Amended by No.FD 43 SRS 68 dated 3.6.1968 (wef 28.6.1968).
 2. Substituted by No.FD 67 SRS 67 dated 6.3.68.
 3. Deleted by No.FD 43 SRS 68 dated 3.6.68 (wef 28.6.1968).

(d) This rule does not apply to medical officers who are allowed to accept fees from private persons for professional attendance subject only to such conditions as Government may prescribe from time to time.

30(i) A Government servant appointed as a Director of Autonomous Organisation like Government Industrial and Commercial Undertakings, shall draw for journeys performed in connection with the affairs of any such organisation, his travelling allowance under the Government rules applicable to him and from the source from which he draws his pay. He should not draw any such allowance from the organisation. In the claim preferred against the Government a certificate that he has not claimed or drawn any travelling allowance from the organisation shall be furnished by the Government servant.

(ii) If the journey is solely or mainly in connection with the affairs of the organisation or body, the whole expenditure on the travelling of the Government servant, which is initially paid by the Department concerned, shall be reimbursable from the organisation to the Government even though the Government servant performs other Government duties at the place of halt. Where, however, the journey is not mainly on account of the affairs of the organisation, the entire expenditure on the travelling allowance of the Government servant shall be borne by the Government.

¹[Exception:- The teaching staff of the Government Colleges are permitted to prefer their claim for travelling and daily allowance according to the rules of the Bangalore or Mysore or Karnataka Universities as the case may be and obtain payment direct from the universities concerned in respect of their journeys and halts connected with the work of the Universities.]

(iii) The recovery effected from the organisation may be treated as the revenue of the department concerned.

(iv) The authority controlling the allotment of funds for travelling allowance shall be the sole judge for determining whether recovery should be made or not from the organisation in each case and shall be responsible for preferring the claim for reimbursement of travelling allowance charges against the organisation concerned.

1. Inserted by No. FD 21 SRS 66 dated 1.6.1966 (wef 29.12.1965)

A copy of the claim should be endorsed to the Audit officer concerned, who shall then watch actual recovery from the organisation and its credit to Government.

¹[(v) provisions of clauses (ii) and (iii) shall also apply to a Government servant appointed as a Director etc., of a private company which does not receive any financial assistance from the Government or in which Government funds are not invested.

(vi) If a Government Servant in foreign service is required to work in some capacity for a third party and receives fees from that party, such fees less the amount of expenditure incurred on him by the foreign employer by way of travelling allowances (which shall be reimbursed to the foreign employer) shall be credited to Government.

(vii) The amount in respect of travelling allowance received from the private company whether during the same financial year or subsequently, shall be adjusted as recovery under the minor head "Deduct-Amounts recovered from other Government, Departments etc." under the same Major Head under which the travelling allowance initially borne by the Government was adjusted.]

²[Note - The provisions of this Rule apply also to the journeys performed by the Government servants in connection with the affairs of the Non-Government or Semi-Government Institutions, Bodies which receive grants-in-aid from Government and on which or on whose governing Bodies they are appointed as Government representatives or to whose affairs they are required to attend in any other capacity under official arrangements.]

1. Inserted by No.FD 134 SRS 72 dated 8.5.1973 (wef 7.6.1973)
2. Inserted by No.FD 166 SRS 59 dated 23.7.1959 (wef 30.7.1959)

CHAPTER III

REGULATION OF EMOLUMENTS

31. An officiating arrangement is permissible in a post of which either there is no holder or of which the holder is an absentee.

Exception:- When a Judicial Officer, ¹[presiding over a combined court (Civil and Criminal)] is allowed to avail himself of the summer vacation, an officiating appointment may be made during the vacation for the disposal of criminal work.

Note - With the general or special sanction of Government acting appointments may be made in place of officers ordered or permitted to undergo a course of training.

²[Explanation: In the case of a Government servant deputed for training or a course of Instruction it is not necessary to create a new post in order to accommodate him during such training or course of instruction since the very order posting him for training, etc. would be considered as a sanction in this behalf.]

³[31-A. A Government servant who is on training the period spent on which is treated as duty under rule 8 (15) (c), may be granted such pay as the Government may consider equitable but in no case exceeding the pay which he would have drawn had he been on duty other than duty under rule 8 (15) (c).]

⁴[Explanation:- A Government servant who is on training may be given regular promotion and allowed by the competent authority to draw the pay of the higher post against which he would have officiated but for his deputation to undergo training.]

Instructions:- ⁵[According to the Explanation below Rule 31-A of Karnataka Civil Services Rules, a Government servant who is on training may be given regular promotion and allowed by the competent authority to draw the pay of the higher post against which he would have officiated but for his deputation to undergo the training.

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1. Substituted by No.FD 48 SRS 60 dated 23.8.1960 (wef 1.9.1960).
 2. Inserted by No.FD 8 SRS 66 dated 1.6.1966.
 3. Inserted by No.FD 35 SRS 68 dated 21.10.1971.
 4. Substituted by No.FD 180 SRS 74 dated 18.4.75 (wef 21.10.1971).
 5. No. FD 30 SRS 78 dated 21.6.1978.

The matter has been further examined and it is hereby clarified that, a Government servant who has been deputed for a course of instruction or training authorised by or under orders of Government and who is treated as on duty, according to rule 8 (15) (c) of Karnataka Civil Services Rules may be-

(i) given regular promotion by the competent authority with effect from the date on which the Government servant junior to him in the cadre of his service assumes charge on promotion to a post in the next higher cadre, and

(ii) allowed to draw such pay in the pay scale of the higher cadre as he would have drawn from time to time but for his deputation to undergo such instruction or training.

3. The above benefit of promotion and consequential fixation of pay may be given subject to fulfilment of the following conditions:-

(i) The Government servant undergoing training or instruction is otherwise eligible for promotion, according to the rules of recruitment, and

(ii) All his seniors, except those regarded as unfit for promotion have been promoted.]

32. Instead of appointing a Government servant to officiate, it is also permissible to appoint him to be in charge of the current duties of a vacant post. In such a case a 'charge allowance' (additional pay) is payable as specified in Rule 68.

¹[Note 1, - A Government servant can be appointed under this Rule to be in-charge of the current duties of a vacant post only if he is eligible to be promoted to officiate in that post according to the Cadre and Recruitment Rules applicable to that post or if he is holding a post in an equivalent or higher grade.]

²[Note 2 - The provisions of this Rule apply also to cases where a Government servant being relieved of his own appointment is appointed to be in independent charge of a higher appointment as a temporary measure.]

³[Instructions:- The following delegation of powers to the Secretaries to the Administrative Departments of the Government is hereby ordered to be given effect to from 1st November 1977.]

1. Inserted by No. FD 7 SRS 75 dated 22.4.1976 (wef 20.5.1976).
2. Amended by No. FD 97 SRS 61 dated 1.11.1961.
3. No. FD 7 RFP 77 dated 17.10.1977.

Nature of power	Further financial powers delegated to Secretaries to Government
Continuation of independent charge arrangements beyond six months and payment of charge allowance (Rule 32 of Karnataka Civil Services Rules)	Full powers]

¹[Note 3:- The Authority competent to make incharge arrangements specified in column (1) of the table below, may make incharge arrangements for vacant posts in respect of subordinate Government servants holding the posts in the scales of pay specified in column (2) thereof to the maximum duration specified therein.

Authority competent to make in charge arrangements	Posts in the scale of pay of		
	(1)	(2)	
	Rs.7400-13120 and above	Rs.5575-10620 and above but below Rs.7400-13120	Rs.2500-3850 and above but below Rs.5575-10620
Heads of Departments.	4 months	6 months	Full Powers
Divisional level officers	3 months	4 months	Full Powers
District level officers	2 months	3 months	Full Powers
Sub divisional officers	-	-	Full Powers
Taluk level officers	-	-	Full Powers]

33. 'Permanent Post' is defined in Rule 8 (34). Without the authority of Government,-

(i) no new appointment may be created; and no addition may be made to the pay and allowances of any Government Servant;

(ii) no appointment may be abolished; and the pay and allowances of no appointment may be reduced;

1. Inserted by No. FD 4 SRA 99 dated 2-6-2000 (wef 1-1-1999)

(iii) no class or grade of Government servants may be created or abolished, and the pay of no class or grade of Government servant may be raised or reduced.

Exception:- An addition to the scale of appointments in the lower grade as against a vacancy in higher grade may be allowed temporarily on occasions.

¹[34. A temporary post is defined in Rule 8(46). No temporary post may be created without the sanction of Government. Government may, however, delegate this power to Heads of Departments and other authorities subject to such limits and conditions as they deem fit.]

35. Tenure post is defined in Rule 8(47). A Government servant may be confirmed against a tenure post. The emoluments drawn by a Government servant in a tenure post count for pension if the Government servant is appointed substantively to that post.

36. A Government servant when appointed to officiate in a post which is tenable by a Government servant of any one of the several grades or classes in a cadre shall, save as otherwise directed by Government, be given officiating pay calculated in the pay of the lowest grade or class in the cadre.

37.(a) The pay of a Government servant officiating in a post, the pay of which is subject to increase upon the passing of an examination or upon the completion of certain period of service, is the pay which he would from time to time receive if he held the post substantively.

(b) The pay of a Government servant officiating in a post, the pay of which has been reduced with effect from the next succession thereto, is the reduced pay.

38. The pay of a Government servant officiating in an appointment the pay of which has been increased with effect from the next succession thereto, is the increased pay.

39. The fixation of Pay of a Government servant is within the competence of Government provided that, except in the case of Personal Pay granted in the circumstances defined in Rule 8(35) the pay of Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

1. Substituted by No. FD 58 SRS 60 dated 14.5.1960 (wef 20.5.1960)

40. Time scale of pay - Rules 41 to 49 apply to time scales of pay generally. They do not, however, apply to any time scale in so far as they are inconsistent with terms specially sanctioned for such time scale.

41. The initial substantive pay of a Government servant who is appointed substantively to a post on a time scale of pay is regulated as follows:-

(a) If he holds a lien on a permanent post other than a tenure post, or would hold a lien on such a post had his lien not been suspended under Rule 20,-

(i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of rule 44) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the permanent post;

(ii) When appointment to the new post does not involve such assumption of duties or responsibilities he will draw, as initial pay, the stage of the time-scale which is equal to his substantive pay, in respect of the permanent post, or if there is no such stage, the stage next below that pay, plus personal pay equal to the difference, and in either case will continue to draw that pay until such time as he would have received an increment in the time scale of the permanent post, or for the period after which an increment is earned in the time-scale of the new post whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the permanent post he will draw that minimum as initial pay;

(iii) When the appointment to the new post is made on his own request and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

(b) If, the conditions prescribed in clause (a) are not fulfilled he will draw as initial pay the minimum of the time-scale:

Provided that both in cases covered by clause (a) and in cases (other than cases of re-employment after resignation or removal or dismissal from the public service) covered by clause (b) if the Government servant either-

(1) has previously held substantively or officiated in,-

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale,
or

(iii) a permanent post other than a tenure post on an identical time-scale, or

(iv) a temporary post on an identical time-scale, such post being on the same time-scale as a permanent post; or

(2) is appointed substantively to a tenure post on a time scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated; then the initial pay shall not be less than the pay, (other than special pay, personal pay or emoluments classed as pay by Government) which he drew on the last such occasion, and he shall count the period during which he drew that pay on such last and any previous occasions for increments in the stage of the time-scale equivalent to that pay; provided further where the pay last drawn by the Government servant in a temporary post has been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of such increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of the preceding proviso to be the pay which he last drew in the temporary post.

¹[Note 1]

Note 2 - The personal pay, mentioned in sub-clause (a) (ii) of this Rule should be given to a Government servant only for the purpose of initial pay and not at any subsequent stage in the new time-scale in which the Government servant might draw less pay than he would draw had he remained in the old scale. Accordingly when the next increment in the time scale of either the new or the old post falls due, the Government servant should draw the next increment in the time-scale of the new post, and forthwith lose the personal pay and all connection with the time-scale of his old post.

Note 3 - The expression 'if he holds a lien on a permanent post' occurring in clause (a) of this Rule should be held to include the lien on a permanent post to which a Government servant is appointed in a provisionally substantive capacity under Rule 20 and the expression 'substantive pay' in respect of the permanent post, occurring in that Rule should be held to include his substantive pay

1. Deleted by No. FD 41 SRS 62 dated 16.10.62 (wef 1.4.1958)

in respect of that provisionally substantive appointment. This Rule should therefore, be held to permit the substantive pay in respect of a provisionally substantive appointment being taken into account in determining his initial pay in another post to which he is appointed. When the initial pay of a Government servant in a post is thus fixed, it will not be effected even if during the tenure of his appointment to that post he reverts from his provisional appointment.

Note 4 - For the purposes of this Rule and Rule 44 a declaration as to the relative degrees of responsibility of two posts should be obtained from the administrative Head of the Department or from Government according as the posts are in the same Department or in different Departments. A declaration is, however, necessary only when the relative degrees of responsibility are not obvious beyond doubt.

Note 5 - For the purposes of this Rule and Rule 43 a temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on a different rate of pay is not the "same post as the permanent post even though the duties remain the same. In other words in view of Rule 8(46) the temporary post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post is thus entitled only to the pay of the permanent post if it is on a fixed rate of pay or to the minimum of the time scale of the permanent post if it is on a time-scale unless his case is covered by the concession admissible under Note 1.

Note 6 - In the case of a Government servant appointed substantively to a post in which he has previously officiated and whose present substantive pay is the same as the pay which he drew when last officiating, the initial pay should be fixed with reference to his substantive pay in respect of the old post. Accordingly when a Government servant is appointed to a post substantively while officiating in it, he is entitled to have his pay fixed anew with reference to his substantive pay at the time in respect of his old permanent post.

¹[Note 7 - A Government servant serving as a local candidate if appointed subsequently as a direct recruit to the same post, will continue to draw his pay with future increments as they fall due provided that where a period of probation is fixed, an increment or increments falling due ²[(during and after that period

1. Amended by No. FD 80 SRS 61 dated 24.3.1962.

2. Amended by No. FD 80 SRS 61 dated 30.3.1962.

shall be governed by the provisions of the Note below Rule 10 of the Karnataka Government Servants' (Probation Rules, 1957)]

¹[41A- Notwithstanding anything contained in rules 20 and 41 of these rules ² [or anything contained in the Recruitment rules in respect of particular services but subject to the Karnataka Civil Services (Direct Recruitment to Class III Posts) (Special) Rules, 1970] when a Government servant appointed to a post or category of posts as a local candidates or as regularly recruited candidate, is appointed regularly as per relevant rules of recruitment to any other posts or category of posts, whether in the same or any other department, whether a period of probation is prescribed or not his pay is regulated as follows:

(i) Where the appointment is to a post the scale of pay of which is lower than the scale of pay of the post he held last, his pay in his appointment shall be equivalent to the stage of pay which he would have reached had he been appointed to that scale of pay from the date he was initially appointed as a local candidate or as a regularly recruited candidate as the case may be;

³(ii) Where the appointment is to a post the scale of pay of which is identical with the scale of pay of the post which he held last, his pay in his appointment shall be fixed at the stage which is equal to the pay drawn in the post last held by him.

Provided that after the initial pay is fixed under clause (i) or clause (ii), as the case may be, the next increment in the scale of pay of the new post shall be granted on the date on which an increment in the time-scale of the old post would have accrued, had he continued in that post or the date on which an increment accrues in the time-scale of the new post, whichever is earlier].

⁴[Note- The personal pay granted under Rule 8(f) of the Karnataka Civil Services (Revised Pay) Rules, 1970 shall continue even after the pay is fixed under this clause and shall be absorbed in the next increment.]

⁵[(iii) xxx]

(iv) If the minimum pay of the new post is higher than that fixed under the preceding clauses, that pay shall be allowed.

1. Amended by No. FD 76, SRS 68 dated 6.4.1971 (wef 26.4.1973)
 2. Amended by No. FD 32 SRS 72 dated 20.3.1972 (wef 31.8.1972)
 3. Substituted] by No. FD 51 SRS 88 dated 3.10.1989 (wef 1.1.1977)
 4. Inserted by No. FD 222 SRS 71 dated 17.8.1972(wef 1.1.1970)
 5. Deleted by No. FD 130 SRS 73 dated 24.12.1973(wef 26.4.1973)

(v) The increment or increments falling due during the period of probation in cases of fixation done under clause (i) or (ii) above shall be governed by the provisions of the Note below rule 10 of the Karnataka Government Servants (Probation) Rules, 1957.

(vi) When the probationer is declared to have satisfactorily completed the period of probation after an extended period of probation and the increments falling due during the extended period of probation have not been allowed under the Note below rule 10 of the Karnataka Government Servants (Probation) Rules, 1957, his pay from the date of satisfactory completion of probation shall be refixed at what he would have drawn had he completed the probation at the end of the prescribed period of probation and his future increments shall be allowed on the normal dates.

Instructions: (i) The benefit derivable under this rule shall also be given to appointments made regularly as per relevant rules of recruitment on or after the first day of April 1962.

(ii) Cases which have been decided already under rule 42-A shall not be reopened if refixation of pay under these rules is disadvantageous to the Government servant.

(iii) The provisions of the Karnataka Probationers (Pay) Rules, shall not apply to those whose pay is to be regulated under rule 41-A.]

¹[41-B. When a Government employee working in a time scale of pay in the work charged establishment is absorbed in the regular establishment, his pay shall be fixed in accordance with the provisions of Rule 41-A.]

²[41-C. Notwithstanding anything contained in any other rules, where a military officer of the rank of Junior Commissioned Officer or below who is discharged from the military service before superannuation is appointed to a post in accordance with the rules regulating recruitment thereto, his pay in the time scale of the post in which he is so appointed shall be fixed as follows:-

1. Inserted by No. FD 120 SRS 74 dated 4.2.1977 (wef 6.9.1972)

2. Inserted by No. FD 119 SRS 76 dated 3.11.1978 (wef 1.1.1978)

(i) Where the pay drawn in the military service is equal to a stage in the time scale of the post to which he is appointed, it shall be fixed at that stage;

(ii) Where the pay last drawn in the military service does not correspond to a stage in the time scale of the post to which he is appointed, it shall be fixed at the stage next below the difference being treated as Personal Pay absorbable in future increase in pay;

(iii) Where pay last drawn in the military service is below the minimum of the time scale of the post to which he is appointed it shall be fixed at the minimum;

(iv) Where the pay last drawn in the military service is above the maximum of the time scale of the post to which he is appointed it shall be fixed at the maximum;

(v) For the purpose of fixation of pay as at (i) to (iv) above pay last drawn in the military service to be taken into account is basic pay only and does not include any other allowance and pension and pension equivalent of Death-cum-Retirement Gratuity received from the Defence Authorities shall be ignored:

(vi) The military service rendered prior to appointment in the State Civil Services shall not be taken into account in determining service qualifying for pension.]

42. The initial substantive pay of a Government servant who is appointed substantively to a post on a time scale of pay which has been reduced for reasons other than diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time scale as it stood prior to reduction regulated by Rule 41 provided that both in case covered by clause (a) of that rule and in cases, other than those of re-employment after resignation, removal or dismissal from the public service, covered by clause (b) of that rule, if he either, -

(1) has previously held substantively or officiated in :-

(i) the same post prior to reduction of its time scale, or

(ii) a permanent or temporary post on the same time scale as the unreduced time scale of the post, or

(iii) a permanent post other than a tenure post or a temporary post, on a time scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post, or

(2) is appointed substantively to a tenure post the time scale of which has been reduced without a diminution in the duties or responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post;

then the initial pay shall not be less than the pay, (other than ¹[special allowance], personal pay or emoluments classed as pay by Government), which he would have drawn under Rule 41 on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasions.

Note- The re-employment of a Government servant after resignation or after discharge on reduction of establishment or after invalidation out of service amounts to a fresh appointment for the purpose of Rule 41 and he will therefore draw the minimum of the time-scale. If in any case, it is considered that a higher rate of pay should be given the case can be dealt with under Rule 57.

²[42-A xxx]

³[42-B. (1) Notwithstanding anything contained in these rules, when a Government servant is promoted to a post or appointed, to an ex-cadre post and such promotion or appointment involves the assumption of duties and responsibilities of greater importance than those of the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay in the time scale of the lower post at the time of such fixation:

Provided that where a Government servant appointed to a higher ex-cadre post is promoted which holding such higher excadre post, to a higher post in accordance with the Recruitment Rules of the Service to which he belongs, the pay drawn in such ex-cadre post shall not be taken into account for the purpose of fixation of initial pay on such promotion; but this initial pay in the post to which he is promoted shall be fixed with reference to the pay which he would have drawn in the post held by him before his appointment to the ex-cadre post:

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1. Substituted by No. FD 7 SRA 99, dated 29.4.2000 (wef 1.4.1998)
 2. Deleted by No. FD 76 SRS 68 dated 6.4.1971 (wef 26.4.1973)
 3. Substituted by No. FD 25 SRS 79 dated 28.4.1979 (wef 1.1.1977)

Provided further that if a Government servant either-

(a) has previously held substantively or officiated in,-

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale,

or

(iii) a permanent post other than a tenure post, or a temporary post on an identical time-scale, or

(b) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated, then proviso to rule 41 shall apply in the matter of the initial fixation of pay and counting of previous service for increment.

(2) The pay of Government servant to whom sub-rule (1) is applicable, and who would have normally earned his next increment in the time-scale of the lower post but for his promotion to the said higher post or appointment to the said higher ex-cadre post shall be refixed in accordance with the provisions of sub-rule (1) in the time-scale of the higher post held by him, as if he had been promoted to the said higher post or appointed to the said higher ex-cadre post after he had earned the said increment in the lower post .

¹[Provided that where an additional increment is granted to a Government servant under the provisions of Rule 6 of the Karnataka Civil Services (Service and Kannada Language Examinations) Rules, 1974 after the date of fixation of his pay under sub-rule (1) above but before the date of refixation of pay under sub-rule (2) above, the additional increment shall be allowed to him with effect from the date of refixation under sub-rule (2) above, as if the additional increment had accrued to him on that date.]

3. The expression "ex-cadre" used in this rule means a stray post, which has been created in a department or service outside the regular line of promotion for a purely temporary period to meet a special need and appointment to which is made by selection from Government servants possessing the required qualification and experience.

1. Inserted by No.FD 39 SRS 82 dated 6.9.1982 (wef 1.1.1977)

¹[(4) The principles of fixation of pay as laid down in sub rules (1) and (2) above shall be applicable also to a Government servant appointed through the Public Service Commission or any other recruitment agency to a post carrying higher scale of pay.]

²[42-C. Notwithstanding anything contained in these rules, the initial pay of a Government servant appointed during the period between 22nd June 1966 and 31st July 1967, in a temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, shall be fixed applying the provisions of Rule 42-B as was in force immediately prior to 22nd June 1966, and as if the said Rule had been made with the following proviso, namely-

Provided that where a Government servant appointed to a higher ex-cadre post is promoted, while holding such higher ex-cadre post, to a higher post in accordance with the Recruitment Rules of the Service to which he belongs, the pay drawn in such ex-cadre post shall not be taken into account for the purpose of fixation of initial pay on such promotion; but his initial pay in the post to which he is promoted shall be fixed with reference to the pay which he would have drawn in the post held by him before his appointment to the ex-cadre post.]

³[Instructions:- In respect of the cases coming under Rule 42-C arrears for the period from 26th June 1966 to 31st July 1967, if any, may be paid. Rule 42(B) (1) will be applicable only in respect of cases arising on or after 1st January 1961 but arrears shall be payable only from 1st August 1967.]

43. The holder of a post, the pay of which is changed, shall be treated, as if he were transferred to a new post on the new pay, provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

1. Substituted by No.FD 51 SRS 88 dated 3.10.1989 (wef 1.1.1977)

2. Inserted by No.FD 15 SRS 69 dated 16.7.1969

3. Inserted by No. FD 15 SRS 69 dated 26.5.1970

¹[Note 1] - If a Government servant has held substantively, or officiated in, a post in the cadre or class immediately prior to the introduction of a new time-scale, and has drawn during the period pay or salary equal to a stage or intermediate between two stages in the new time-scale, then the initial pay or salary in the new time-scale shall be fixed on the basis of the pay or salary last drawn.

¹[Note 2 - The above rule applies also in cases where a revision of pay is accompanied by change in the status of the posts. In such cases the posts virtually continue as before. Where, however, a revision of pay is concurrent with a specific change in the duties and responsibilities attached to the post, the old post will be deemed to have been substituted by a different post. In such cases, the individual will be treated as having been appointed to a higher or lower post, as the case may be, and pay will be fixed under the relevant rules, and not under this rule.]

44.(1) Subject to the provisions of Chapter III a Government servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post other than a tenure post, unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, on which he holds a lien or would hold a lien had his lien not been suspended:

Provided that Government may exempt from the operation of this rule, any State Civil Service which is not organised on a time scale basis and in which a system of acting promotion from grade to grade is in force.

(2) For the purposes of this Rule, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made, is on the same scale of pay as the permanent post, on which he holds a lien or would hold a lien had his lien not been suspended or on a scale of pay identical therewith.

² [xxx]

1. Amended by No. FD 50 SRS 65 dated 22.6.1966
2. Deleted by No. FD 41 SRS 62 dated 16.10.1962 (wef 1.4.1958)

45. ¹[(a) (i) Subject to the provisions of Rule 44 and clause (c) of this Rule, a Government servant who is appointed to officiate in a post will draw the presumptive pay of that post.

(ii) On an enhancement in the substantive pay, as a result of increase or otherwise, the pay of such Government servant shall be refixed under (i) of this clause from the date of such enhancement as if he was appointed to officiate in that post on that date where such refixation is to his advantage.]

²[Note 1 - Where the increment of a Government servant in the post in which he is officiating has been withheld under Rule 51 without any reference to the increment that will accrue to him in the post held by him substantively, the provisions contained in sub-clause (ii) above shall not apply before the date from which the orders withholding the increments finally cease to be operative. However, the Government servant may be allowed during the period of penalty of withholding of increment, his substantive pay from time to time if the same happens to be more than the officiating pay.]

³[Note 2 - Where a Government servant was not actually officiating in a higher post at the time of enhancement of his substantive pay, but would have either officiated in that post under the 'Next Below Rule' but for his deputation to some other post or would have officiated in that post but for his officiating appointment to a still higher post, his pay shall be refixed under sub-clause (ii) of this clause notionally in the post in which he would have so officiated but for the occasions mentioned above. As and when the Government servant reverts to that post from deputation/higher post, the actual pay to be given to him on the date of reversion will be arrived at with reference to such notional pay.]

⁴[Explanation:- Where an increment in the substantive post falls due during a period of leave and the refixation of officiating pay under sub-clause (ii) of clause (a) of this rule is to the Government servant's advantage, the officiating pay may be regulated as follows:

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1. Substituted by No. FD 72 SRS 58 dated 13.5.58 (wef 1.4.1958)
 2. Inserted by No. FD 121 SRS 60 dated 23.8.1960 (wef 1.9.1960)
 3. Inserted by No. FD 87 SRS 61 dated 16.10.1961.
 4. Inserted by No. FD 73 SRS 60 dated 14.7.1960 (wef 21.7.1960)

(i) In the case of a Government servant proceeding on leave, if the period of leave counts for increments in the officiating post either under rule 53(b) or 53(c) subject to the fulfilment of the conditions and production of the necessary certificates, his officiating pay may be refixed under sub-clause (ii) of clause (a) of this Rule, from the very date of increment or increase in the substantive pay as if he was appointed to officiate in that post on that date. The benefit of the increase in officiating pay can be had by him only from the date of resumption of duties but his next increment in the officiating post will accrue to him from an earlier date in the next year calculated with reference to the date of refixation of pay.

(ii) If, however, the period of leave does not count for increment in the officiating post, the Government servant loses all connection with that post during that period and he will be entitled to get his officiating pay refixed only from the date he returns from leave in which case the next increment will fall due only after completion of ¹[the prescribed period of duty] from the date of resuming charge unless he becomes entitled to refixation of pay under sub-clause (a) of this Rule once again from an earlier date.]

(b) When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

(c) A competent authority may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

Instructions:- The power conferred by clause (c) of this Rule is not exercisable save by a special order passed in an individual case and on the consideration of the facts of that case.

Note 1 - When a Government servant is appointed to officiate in a post on a time-scale of pay fixed below the minimum of the time-scale under clause (c) of this Rule, he must not be treated as having effectually officiated in that post within the meaning of Rule 41 (b) or having rendered duty in it within the meaning of Rule 53. Such a Government servant, on confirmation should have his

1. Amended by No. FD 189 SRS 60 dated 29.11.1960 (wef 8.12.1960)

initial pay fixed under Rule 41 (b) and draw the next increment after he has put in duty for the usual period required calculated from the date of his confirmation.

Note 2 - One class of cases falling under clause (c) of this Rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post. In such cases a charge allowance is allowed in addition to his pay.

¹[Note 3 - The provisions of clause (a) of Rule 45 shall be applicable with effect from 1st January 1958, and shall apply to cases arising after that date and coming under Rule (40)(a) of the Karnataka Pay and Allowances Rules, 1957.]

46. A person holding no substantive appointment under Government, who is appointed to officiate in a permanent post or to hold a temporary post on a time-scale of pay, shall not be allowed to count, for the purposes of increment on the time-scale past non-continuous officiating service in such permanent post or non-continuous service in such temporary post.

Note - Service shall be deemed non-continuous only if it is interrupted by actual loss of appointment.

47. Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased and shall cease as soon as his pay is increased by an amount equal to his personal pay.

48. When a temporary post is created, which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

49(a) When a temporary post is created, which will probably be filled by a person who is already a Government servant, its pay should be fixed by a competent authority with due regard to -

(1) the character and responsibility of the work to be performed, and

1. Inserted by No.FD 160 SRS 59 dated 5.12.1959

(2) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

Note 1 - The following principles should be observed in fixing pay of temporary posts:-

(i) No Government servant may be placed on special duty or on deputation without the sanction of Government. A Government servant placed on 'special duty' or 'on deputation' should have the pay of his temporary post fixed at what his pay would have been from time to time in the regular line had he not been so deputed.

If the sanctioning authority is satisfied that a Government servant so deputed would otherwise have been advanced very shortly afterwards to a post carrying higher pay than that which he was drawing at the time his 'special duty' or 'deputation' begins and would continue to hold such a post for approximately the same period as his temporary post is expected to last it may take this fact into account and fix a uniform pay throughout the period.

(ii) The sole criteria for sanctioning enhanced pay in such cases is proof of a decided increase of work or responsibility in comparison with the duties of the post which the Government servant would otherwise occupy in the regular line. Where the test of comparative responsibility is not practicable, clause (a) of this Rule may be followed.

(iii) Any extra remuneration sanctioned because of such increased work or responsibility should not in any case exceed a maximum of twenty per cent of the pay; and the rate should be ordinarily ten per cent and the same should be allowed for a temporary period.

Note 2 - Temporary posts may be divided into two categories:-

(i) posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction being that the new posts are temporary and not permanent, and

(ii) isolated posts created for the performance of special tasks unconnected with the ordinary work which service is called upon to perform.

An example of the latter type of post would be a post on a commission of enquiry.

A distinction by strict verbal definition is difficult, but in practice there should be little difficulty in applying the distinction in individual cases. The former class of posts should be considered to be a temporary addition to the cadre of a service whoever may be the individual appointed to the post. The latter class of temporary posts should be considered as un-classified and isolated ex-cadre posts. Temporary posts which by this criterion should be considered as temporary additions to the cadre of a service should be created in the time-scale of the service ordinarily without extra remuneration. Incumbents of these posts will, therefore, draw their ordinary time-scale pay. If the posts involve decided increase in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction a special pay in addition. For isolated ex-cadre posts, it may occasionally be desirable to fix consolidated rates of pay. Where, however, the post is to be held by members of service, it will ordinarily be preferable also to create the post in the time-scale of the holder's service with a special pay, if necessary.

(b) Special pay does not include reimbursement of cost of travelling and a Government servant who draws special pay is not thereby debarred from drawing any travelling allowance which would be admissible to him if the duty on which he is deputed were treated as a new permanent appointment.

Deputations to Other Departments

¹[50 (1) When a Government servant is permanently transferred or deputed from one department to another under the provisions of rule 16 of the Karnataka State Civil Services (General Recruitment) Rules, 1957, he will draw pay in the new post at the same stage in which he was drawing in the old post and earn the next increment on the date on which he would have earned it had he continued in the old post.

(2) (a) When a Government Servant deputed from one department to another returns to the parent department he will draw the pay he would have drawn but for his deputation to the other department.

(b) Where, however, a Government servant is deputed to another department on special temporary duty against no sanctioned post, he will continue to draw pay in the grade of the post held by him in his parent department and will continue to retain a lien in his parent department.

1. Substituted by No. FD 109 SRS 75 dated 15.7.1977

(3) Such deputations should not ordinarily extend beyond five years except under special orders of Government.]

Increment

51(1) Increment accrues from the day following that on which it is earned. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by a competent authority, in accordance with the rules applicable for ordering the withholding of increments if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

¹[(2) As and from the first day of April 1973, an increment which accrues on a day other than the first day of a month, shall be advanced to the first day of that month subsequent increment being regulated accordingly.)

Note - When the authority passing orders to withhold an increment fails to specify clearly for what period the officer is to be deprived of his increments, the deprivation should be held to cease on the expiry of the period during which the officer would have drawn the increment withheld. For example, if on the 1st July 1958, an officer already drawing a pay of Rs. 110 from, 1st July, 1957 in a grade of Rs. 100-10-150 and in ordinary course entitled to an increment of Rs.10 on the 1st July each year is punished by refusal of the next increment, to which he would otherwise have been entitled on that date, he will, in the absence of special orders to the contrary be entitled on the 1st July 1959 to draw Rs. 130 and not Rs. 120 only.

²[51-A. (1) Notwithstanding anything contained in Rule 51, where under the conditions of his service a Government servant has to pass any service examination or test before earning an increment he shall not earn the increment until he passes such examination or test.

(2) Where in pursuance of sub-rule (1), the date of earning the increment in respect of any Government servant is deferred beyond the normal period or period prescribed for earning the subsequent increments, the pay of such Government servant shall, on his passing the examination or test concerned be fixed at the

1. Inserted by No. FD 47 SRS 73 dated 17.8.1973.

2. Inserted by No. FD 14 SRS 67 dated 27.6.1967.

stage at which he would have drawn it if the earning of the increment had not been deferred.

Explanation - The provisions of sub-rule (2) will not entitle the Government servant to payment of any amount other than that drawn by him before earning the increment for the period during which he did not earn the increment. He will only be entitled to the fixation of his pay in the time-scale at the stage at which he would have drawn the pay, if the earning of the increment had not been deferred.]

52. ¹[Where] an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority ¹[empowered] to withhold increments.

53. The conditions under which service counts for increments in a time-scale are as follows:-

²[(a) All duty in a post on a time-scale counts for increment in that time scale:

Provided that for the purpose of arriving at the date of the next increment in that time-scale, the total of all such periods as do not count for increments in that time-scale shall be added to the normal date of increment.]

Note 1 - In the case of a Government servant, who, while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to the other should be treated as duty in the post, the pay of which the Government servant draws during the period and will count for increment in the same post.

Note 2 - In the case of a Government servant who, officiating in a post, proceeds on training or to attend a course of instruction and who is treated as on duty while under training, the period of such duty, will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period.

Note 3 - In cases where the passing of an examination or test confers on a Government servant the ¹[title to increments] such title should be deemed to have accrued on the day following the last day of the examination or test which he passed. In cases where

1. Amended by No. FD 57 SRS 62 dated 12.9.1962.
 2. Substituted by No.FD 7 SRS 68 dated 16.3.1968.
 3. Amended by No. FD 95 SRS 66 dated 22.12.1966.

the examination or test can be passed in more than one instalment, the ¹[title to increments] will be deemed to have accrued on the day following the last day of the last instalment of, the examination or test which he is required to pass.

¹[The title to increments conferred by passing the examination is subject to the person concerned being otherwise eligible for the increments.]

²[Note 4 - In the case of eight monthly peons employed in the Land Records department, the period during which the establishment is not employed shall be treated as duty counting for increments in the time scale of pay sanctioned for such establishment provided that it shall not be so treated unless the peon is actually on duty immediately prior to and immediately subsequent to such period, viz.,

1. On the date on which the establishment is discharged and

2. On the date on which it is re-employed.

The above provisions shall be deemed to have come into force with effect from 1st April 1958 and shall be made applicable with effect from 1st December 1957 also to cases coming under Rule 48(a) of the Karnataka Pay and Allowances Rules, 1957.]

³[(b)(i) Service in another post, other than a post carrying less pay referred to in clause (i) of Rule 20(A), whether in a substantive or officiating capacity, service on deputation out of India and ⁴[leave except extraordinary leave taken otherwise than on Medical Certificate] shall count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the time-scale applicable to the post or posts, if any on which he would hold a lien had his lien not been suspended.]

⁵[(ii) All leave except extraordinary leave taken otherwise than on medical certificate and the periods of deputation out of India shall count for increments in the time scale applicable to the post in which a Government servant was officiating at the time he proceeded

1. Amended by No. FD 95 SRS 66 dated 22.12.1966

2. Inserted by No. FD 143 SRS 61 dated 20.2.1962 (wef 1.4.1958)

3. Amended by No. FD 5 SRS 62 dated 18.4.1962

4. Amended by No. FD 75 SRS 63 dated 30.11.1963

5. Substituted by No. FD 29 SRS 85 dated 19.5.1986 (wef 29.5.1986)

on leave or on deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India.

Periods of deputation to other Departments of Government in accordance with Rule 16 of General Recruitment Rules, 1977 and Rule 50 of Karnataka Civil Service Rules count for increment in the time-scale applicable to the post held at the time of Deputation or to which the Government servant may be promoted in the parent Department while on Deputation.]

¹[Provided that the Government may in any case in which it is satisfied that the extraordinary leave was taken for any reason beyond the control of the Government servant or for prosecution of higher studies, direct that the extraordinary leave shall count for increments under (i) and (ii), and where the leave was taken for prosecuting higher studies. subject to the following conditions. namely-

(a) the course of such higher studies have a close bearing on the sphere of duty of the Government servant;

(b) such leave has been sanctioned with the prior approval of the Government.]

²[Note 1-In the case of non-gazetted Government servants a certificate in the following form will be obtained from the Appointing authority and appended to the increment certificate by the Head of the office.

'Certified thatwho has been allowed increment taking into account the period of leave with allowances fromto would have actually continued to officiate in the post held by him but for his proceeding on leave.']

³[Note 1(a) - In the case of a Government servant proceeding on leave where no officiating arrangement is made in the leave vacancy and the Government Servant concerned returns to the same post after expiry of the leave, the certificate mentioned in Note 1 above may be issued by the leave sanctioning authority.]

⁴[Note 1(b) - The provisions of sub-clause (ii) shall be applicable to probationers referred to in sub-rule (37) of Rule 8 of the said rules.]

1. Substituted by No. FD 1 SRS 78 dated 13.7.1978 (wef 28.1.1978)

2. Inserted by No. FD 5 SRS 62 dated . 18.4.1962.

3. Inserted by No. FD 130 SRS 67 dated . 29.12.1967.

4. Substituted by No. FD 25 SRS 80 dated 23.5.1980 (wef 5.6.80)

¹[Note 2 - In the case of Gazetted Government servants, the order of the competent authority sanctioning leave will indicate that the Government servant would have actually continued to officiate in the post but for his proceeding on leave.

²[Note 3 - The maximum period of extraordinary leave which will be recognised for purposes of granting increments under the proviso to this rule shall be two years for ³[under-graduate, graduate and post-graduate courses] and three years for Ph.D.]

⁴[Note 4 - The period of absence from duty debited to the half pay leave account of a Government Servant under the provisions of rule 106-A or 162 of the Karnataka Civil Services Rules, as the case may be, shall count for the purpose of increment in the scale of pay of the post held substantively or in an officiating capacity as on the date of commencement of the unauthorised absence.]

¹(c) xxx]

(d) If a Government servant, while officiating in a post or holding a temporary post on a time scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is reappointed to the lower post, or is appointed or re-appointed to a post on the same time-scale of pay, count for increments in the time-scale applicable to such lower post.

The period of officiating service in the higher post which counts for increments in the lower post is, however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher post.

This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated in such lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

Note - The intention of this rule is to allow the concession irrespective of whether the higher post is within or outside the department to which the Government servant belongs.

1. Amended by No. FD 5 SRS 62 dated 18.4.1962

2. Inserted by No. FD 52 SRS 63 dated 5.7.1966

3. Substituted by No. FD 1 SRS 78 dated 13.7.1978 (wef 28.1.1978)

4. Inserted by No. FD 31 SRS 81 dated 31.7.1981 (wef 6.8.1978)

¹[(e) xxx]

(f) Foreign service counts for increments in the time-scale applicable to-

(i) the post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended, and

¹[(ii) the post in Government service in which the Government servant was officiating immediately before his transfer to foreign service so long as he would have continued to officiate in that post ²[or a post] on the same time-scale but for his going on foreign service; and

(iii) any post in which he may receive officiating promotion under Rule 423 for the duration of such promotion.]

³[(g)(i) Joining time availed of by a Government servant in continuation of duty counts for increment in the time scale applicable to the post on which he holds a lien or would have held a lien, if his lien had not been suspended and in the time scale applicable to the post the pay of which is received by him during the period of joining time.

(ii) Joining time availed of by a Government servant in continuation of leave counts for increment in the time scale applicable to the post/posts on which the last day of leave before commencement of joining time counts for increment.

(iii) Joining time availed of by a Government servant in continuation of suspension counts for increment in the time scale applicable to the post the pay of which is received by him for the period of joining time.]

54. When the conditions of service of a Government servant are such that he is liable to be transferred in the same department or in different departments including Local Bodies between appointments of which the pay and increments are identical, his service shall, in the case of such a transfer, count for increments as if he had not been transferred.

55. Time passed under suspension does not count towards increments if the authority competent to impose any punishment directs that the period of suspension shall not count as duty under Rule 100.

1. Amended by No. FD 147 SRS 60 dated 14.3.1961 (wef 23.3.1961)
 2. Amended by No. FD 147 SRS 60 dated 26.4.1961 (wef 11.5.1961)
 3. Substituted by No. FD 66 SRS 79 dated 15.11.1980 (wef 27.11.1980)

¹[56. xxx]

57. An authority may grant a premature increment to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

Note 1 - In the case of increments granted in advance, it is usually the intention that the officer should be entitled to increments in the same manner as if he had reached his position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed on exactly the same footing, as regards future increments as an officer, who has so risen.

Note 2 - A proposal to grant an increment to a Government servant on a time-scale pay in advance of the date should be scrutinised with special jealousy as it is contrary to the principle of a time-scale pay to grant an increment before it is due. Such a grant of advance increment should not, therefore be recommended or allowed except under circumstances which would justify the grant of personal pay to a Government servant. Such increments in advance can be allowed only under the special order of Government in each case.

58. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay not exceeding the maximum of the lower grade or post which it may think proper:

²[Provided that the pay allowed to be drawn by a Government servant under this rule shall not exceed the pay which he would have drawn by the operation of Rule 41 read with clause (b) or clause (d), as the case may be, of Rule 53.

Note - Once the pay is fixed in the lower post in the manner indicated above the regulation of increments in the lower post will be made under the normal rules unless the increment in the lower post also is withheld.]

59. ³[(1)(a) Where a Government servant's pay is reduced as a measure of penalty to a lower stage in his time scale, the authority ordering such reduction shall indicate-

(i) the date from which the penalty will take effect;

1. Deleted by No. FD 66 SRS 60 dated 12.5.1960.

2. Inserted by No. FD 136 SRS 60 dated 30.12.1960 (wef 26.5.1960)

3. Substituted by No. FD 41 SRS 84 dated 29.1.1985.

(ii) the period (in terms of years and months) for which the penalty shall be operative;

(iii) the stage in the time-scale (in terms of rupees) to which the pay of the Government servant is reduced;

(iv) whether the Government servant will earn increments during the period referred to at (ii) above, and

(v) whether, on the expiry of the period referred to at (ii) above, the reduction will operate to postpone his future increments and if so the extent (in terms of years and months) to which it would operate to postpone future increments.

(b) The reduction of pay to a lower stage in a time scale is not permissible under the rules either for an unspecified period or as a permanent measure.

(c) the period to be specified under (v) in clause (a) above, should in no case exceed the period specified under (ii) *ibid*.

(d) The question as to what should be the pay of a Government servant on the expiry of the period of reduction shall be decided as follows:-

(i) If the order of reduction lays down that the period of reduction shall not operate to postpone future increments, the Government servant should be allowed the pay which he would have drawn in the normal course but for the reduction.

(ii) If the order of reduction specifies that the period of reduction shall operate to postpone future increments for any specified period, the pay of the Government servant shall be refixed in accordance with (i) above, but after treating the period for which the increments are postponed as not counting for increments.

(e) Where a Government servant who is reduced to a lower stage in his time scale for a specified period, is promoted to a higher post during the period of such reduction, his pay on such promotion shall be regulated as follows:-

(i) The pay of the Government servant shall be fixed under the relevant rules regulating fixation of pay on the date he assumes charge of the post to which he is promoted on the basis of the pay he is drawing as a result of the penalty.

(ii) The pay of the Government servant shall simultaneously be fixed notionally on the basis of the pay he would have been entitled to, had the penalty not been imposed. This fixation will,

however, be operative from the date following the date of expiry of the period of reduction.

(iii) The service rendered by the Government servant in the higher post shall count for increment from the date he took charge of the post.

(iv) The principles of fixation of pay laid down at (i) to (iii) above, shall be applicable also in cases where a Government servant is promoted during the currency of the penalty of withholding of increments.

(f) Where increments are allowed under clause (a) (iv) above, the Government servant shall draw during the period of penalty increments with reference to the reduced pay.]

(2) If a Government servant is reduced as a measure of penalty ¹[to a lower service, grade or post, or to a lower time-scale] the authority ordering the reduction may or may not specify the period for which the reduction shall be effective, but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

²[Note - Where the period of reduction is specified under sub-rule (2) of this rule, the Government servant concerned shall be automatically restored to his old post after the expiry of the specified period and his pay on such restoration shall be regulated as follows: -

(i) if the order of reduction lays down that the period shall not operate to postpone future increments, the Government servant shall be allowed the pay which he would have drawn in the normal course but for his reduction to the lower post. If the pay drawn by him immediately before reduction was below the efficiency bar, he shall not be allowed to cross the bar except in accordance with the provisions of Rule 52;

(ii) if the order lays down that the period of reduction shall operate to postpone his future increments for any specified period which shall not exceed the period of reduction to the lower post/grade, the pay of the Government servant on restoration shall be fixed in accordance with (i) above but after treating the period for which increments are to be postponed as not counting for increments.

1. Amended by No.FD 94 SRS 60 dated 7.7.1960 (wef 14.7.1960)

2. Inserted by No. FD 136 SRS 60 dated 30.12.1960 (wef 5.1.1961)

In cases where the reduction to the lower post/grade is for an unspecified period, if and when the Government servant is reappointed to the higher post in the normal course the pay in the higher post will be regulated only in accordance with the normal rules relating to fixation of pay.]

¹[Instruction xxx]

²[59-A. Where an order of penalty of withholding of increment of a Government servant or his reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale is set aside or modified by a competent authority on appeal or review, the pay of the Government servant shall notwithstanding anything contained in these Rules, be regulated in the following manner:-

(a) If the said order is set aside, he shall be given, for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay that he had actually drawn.

(b) If the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

Explanation - If the pay drawn by a Government servant in respect of any period prior to the issue of the orders of the competent authority under this rule is revised the leave salary and allowances (other than travelling allowance), if any, admissible to him during that period shall be revised on the basis of the revised pay.]

³[Note - In respect of cases falling under sub-rule (a) of this Rule, service rendered by the Government servant in the lower service, grade or post and or lower time-scale or lower stage in the time-scale or at the stage the increment was withheld, from the date of imposition of such penalty by the disciplinary authority to the date on which the order of penalty is set aside by the competent appellate or reviewing authority, shall count for increment or for other purposes in the post which he was holding immediately before the imposition of the penalty provided that he would have continued to hold that post but for the order of penalty.

1. Omitted by No. FD 41 SRS 84 dated 29.1.1985

2. Inserted by No. FD 94 SRS 60 dated 7.7.1960 (wef 14.7.1960)

3. Inserted by No. FD 32 SRS 60 dated 4.8.1962 (wef 7.7.1960)

In respect of cases falling under sub-rule (b), of this Rule such service from the date of imposition of the penalty by the disciplinary authority to the date on which the order is modified by the appellate or reviewing authority, shall be counted for the purpose of increment or for other purposes in the post which he was holding immediately before the imposition of the penalty or any other post which he would have held but for the order of penalty, to the extent the modified order permits such counting.

For example, if an officer of a Class I service in the senior scale (Rs. 900-1300) is reduced to a Class II service (RS. 250-500) for a period of say, two years, and if after six months, the order is modified by the appellate authority as reduction to the Class I Service in the Junior Scale (Rs. 350-800) the period of six months will count for increment in the junior scale.

If on the other hand, the order of penalty is modified as reduction to a lower stage in the time-scale (Rs. 900-1300) for a specified period or withholding of increment, in that time-scale for a specified period, the period that has already elapsed since the date of imposition of the original penalty shall be taken into account only for the purpose of computing the specified period of penalty under the modified order.]

NEXT BELOW RULE

60. When, a person in a post (whether within the cadre of his service or not) is for any reason prevented from officiating in his turn in a post on a higher scale or grade borne on the cadre of the service to which he belongs, he may be authorised by special order of the appropriate authority proforma officiating promotion into such scale or grade and thereupon be granted the pay of that scale or grade if that be more advantageous to him, on each occasion on which the person immediately junior to him in the cadre of his service (or if that person has been passed over for reasons of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or foregoes officiating promotion of his own volition to that scale or grade, then the person next junior to him not so passed over) draws officiating salary in that scale or grade;

Provided that all persons senior to the person to whom the benefit under the substantive part of this rule is to be allowed are also drawing, unless they have been passed over for one or other of the reasons aforesaid, officiating salary in the said or some higher scale or grade within the cadre.

Provided further that not more than one person (either the senior most fit person in a series of adjacent persons outside the ordinary line, or, if such a person either foregoes the benefit of his own volition or does not require the benefit by virtue of his holding a post outside the ordinary line which secures him at least equivalent benefits in respect of salary and pension then the next below in the series) may be authorised to draw the salary of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this Rule.

Note 1 - A purely fortuitous officiating promotion given to a person who is junior to one outside the regular line does not in itself give rise to a claim under the 'Next Below' Rule.

¹[Note 2 - The benefit of officiating promotion under this Rule shall be allowed to Officers who are outside the cadre subject to the fulfilment of the conditions laid down therein, only against promotions in a cadre in vacancies of more than 120 day's duration. In other words, the initial vacancy as well as subsequent vacancies on the basis of which the benefit is to be continued should each be of more than 120 days' duration. The benefit should not be allowed in respect of promotions against a chain of vacancies which taken together extend beyond 120 days.]

²[Exception - The provisions of this rule apply also to a Government servant deputed abroad on study leave concessions under rule 1 of the Appendix II to these rules and to a Government servant who goes abroad for higher studies at his own cost under Rule 10 of the said Appendix. The maximum period of leave which will be recognised for purposes of according pro-forma promotion shall be two years for post-graduate and other courses and 3 years for Ph.D. if the candidate is successful in all his examinations within that period. The monetary benefit of promotion will, however, have effect from the date he rejoins duty after the expiry of leave.]

³[DEPUTATION FOR TRAINING OR STUDY WITHIN INDIA

61(1) (a) The State Government may, with due regard to the exigencies of public service, depute or grant study leave to a Government servant for prosecution of a special course of study

1. Inserted by No. FD 96 SRS 68 dated . 12.9.1968.

2. Inserted by No. FD 52 SRS 63 dated 5.7.1966.

3. Substituted by No.FD 17 SRS 84 dated. 4.4.1985 (wef 16.5.1985).

consisting of higher studies or specialised training in professional or technical subjects having a direct and close connection with the sphere of his duty.

(b) The State Government may also grant study leave to a Government servant for prosecution of studies which may not be closely or directly connected with his work but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in the other branches of public service.

(2) A Government servant who is deputed or granted study leave for higher studies or specialised training shall not be entitled to claim any monetary benefit or seniority by virtue of the higher qualification or training acquired.

(3) The deputation or grant of study leave to a Government servant for prosecution of higher studies or specialised training shall be regulated in accordance with the rules contained in Appendix-II-A.

62. xxx]

¹[62A. Government servants who are members of the various Army, Navy and Air Force Reserves (excluding the Reserves of Officers), will, if called up for periodical training, be entitled to the following concessions in respect of their Civil employment:

(1) The entire period of training including the period of transit will count as duty in the Civil post for purposes of leave, increments and pension;

(2) During the transit period, they will be entitled to their Civil rates of pay and allowances to be met from the budget head to which such expenditure is normally debitible. No travelling allowance will, however be admissible to them because they would travel on railway warrants and would draw money in lieu of ration and mineral water and ice allowance during summer months.

(3) For the period of training (excluding periods of transit) if the pay and allowance (excluding concessions in kind, e.g. free ration, etc.)admissible as a reservist are less than the pay and allowances admissible in the Civil post, the difference will be paid and debited to the budget head to which the individual's Civil pay is normally debitible.]

1. Inserted by No.FD 30 SRS 77 dated 27.7.1978 (wef 3.8.1978)

CHAPTER IV**DEPUTATION OUTSIDE INDIA**¹[63 xxx]

64. No Government servant may be deputed on duty outside India without, the specific sanction of Government.

When a Government servant is so deputed his pay and allowances shall be regulated as follows:-

He shall receive -

(a) pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in the State; and

(b) compensatory allowances in accordance with such special or general orders as Government may prescribe from time to time.

Note 1 - Rules in Appendix III regulate the grant of compensatory and travelling allowances.

²[Note 2 - Under no circumstances should a Government servant be placed on deputation outside India when the requirements of the case would be met sufficiently by the grant of Study leave. Study leave and other concessions applicable to Government servants of the several departments proceeding outside India for training or for study are detailed in Appendix II.]

Note 3 - The Sterling equivalent of the Pay granted under clause (a) to a Government servant on deputation shall be calculated at such rate of exchange as the Government of India may have prescribed in the case of deputation of officers of All India Services.

³[Note 4 - Wherever Government servants are permitted to go abroad, by air, the 'Passenger Service Fee' wherever levied may be reimbursed in respect of a Government servant and members of his family while on transfer ex-India and, in respect of himself, if he travels abroad on tour/deputation and where the air passage is to be borne by the Government. The 'Fee' would, however, not be reimbursable in cases where officers go abroad on study leave or other kinds of leave.

1. Deleted by No. FD 73 SRS 63 dated 5.12.1963 (wef 27.12.1963)

2. Substituted by No. FD 73 SRS 63 dated 5.12.1963(wef 27.12.1963)

3. Inserted by No.FD 100 SRS 70 dated 7.6.1971.

The reimbursement of Passenger Service Fee may be classified under the same head of account under which the related travelling expenses of the Government servant concerned are originally debitable.]

65. The period of deputation shall be from the date on which the Government servant makes over charge of his office in India, to the date on which he resumes it.

CHAPTER V

COMBINATION OF APPOINTMENTS

66. Government may appoint one Government servant to hold substantively as a temporary measure, or to officiate in two or more independent posts at a time. In such cases his pay is regulated as follows:-

(a) the highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post;

(b) for each other post he draws such reasonable pay in no case exceeding half the presumptive pay of the post, as Government may fix; and

(c) if compensatory or other allowances are attached to one or more of the posts, he draws such allowances as Government may fix, provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

Note:- The minimum period prescribed for claiming increased pay or allowances for holding combined charges as above shall be fourteen days.

¹[67. A Government servant discharging the duties of more than one appointment in the same office, or on the same establishment, in accordance with Rule 66 is entitled to the highest salary to which he would be entitled if he held or officiated in any one of the appointments alone, and to nothing more, but he may be granted the special pay attached to any of the posts he holds subject to the condition that not more than one special pay is drawn.

Example:-

A class III officer doing the duties of another class III officer in the same office.

Note:- A Government servant appointed to hold substantively as a temporary measure or to officiate in two posts, of which one is directly subordinate to the other is not, save in exceptional circumstances, entitled to any additional remunera-

1. Substituted by No. FD 302 SRS 58 dated 7.7.1959 (wef 16.7.1959)

tion under Rule 66 (b) as it is undesirable that a Government servant doing the work of a subordinate in addition to his own should draw extra remuneration for that work.

Example - An Assistant Commissioner holding the post of a Tahsildar in addition.

A First Division Assistant holding the post of a Second Division Assistant, in addition.]

CHARGE OF CURRENT DUTIES

68. When a Government servant is appointed to be in charge of the current duties of an office in addition to his own duties and the charge entails a substantial increase of responsibility and some additional work, he is entitled to additional pay (charge allowance) to be fixed by the authority competent to appoint him as such, not exceeding ¹[Five percent] of the pay of the office (minimum pay of the post)

²[Sanction of Government should be obtained where the incharge arrangement is proposed to be continued beyond] ³[six months.]

⁴[Note 1 - A Government servant can be appointed under this Rule to be incharge of the current duties of an office or post in addition to his own duties only if he is eligible to be promoted to officiate in that post according to the Cadre and Recruitment Rules applicable to that post or if he is holding a post in an equivalent or higher grade.]

Note 2 - No charge allowance is admissible unless the incumbent has actually given over charge of the office under the orders of the competent authority ⁵[and is absent on leave or deputation or is permitted to avail himself of vacation or is under suspension.] For instance, no charge allowance is admissible to a subordinate officer empowered to dispose of routine business while his superior is on tour.

Note 3 - The minimum period required for claiming charge allowance under this Rule shall be one month. ⁶[xxxx]

1. Amended by No. FD 4 SRA 99 dated. 2.6.2000 (wef 1-1-1999)

2. Inserted by No.FD 17 SRS 60 dated. 23.4.1960 (wef 17.4.1960)

3. Amended by No. FD 74 SRS 69 dated 19.1.1970 (wef 7.3.1970)

4. Inserted by No.FD 7 SRS 75 dated 22.4.1976 (wef 20.5.1976)

5. Substituted by No.FD 34 SRS 65 dated 30.12.1965 (wef 6.2.1966)

6. Deleted by No.FD 17 SRS 60 dated 25.4.1960 (wef 17.2.1960)

¹[Explanation - In cases where a period of additional charge is interrupted by leave with allowances and the total period of additional charge immediately before and after such leave (excluding the period of leave) together exceed one month, charge allowance may be paid for the period of such additional charge even though each of the two spells of additional charge does not by itself exceed one month provided it is certified by the competent authority granting leave that but for the Government servant proceeding on leave, he would have continued to hold additional charge of the post which he held immediately before proceeding on leave.]

²[Exception 1 - Taluk Sheristedars or other officials placed in additional charge of the duties of Sub-Registrars of the Registration Department in leave and other vacancies (other than casual leave) may be allowed charge allowance of Rs.10 per month provided the vacancies last for a period of not less than 14 days.]

³[Exception 2 - The officials of the Treasury Department placed in additional charge of the duties of other officials of the same Department or the officials of the Revenue Department placed in additional charge of the posts in the Treasury Department in leave or other vacancies (other than casual leave) may be allowed charge allowance provided such in-charge arrangement lasts for a period of not less than 14 days and subject to the fulfilment of other conditions laid down in this Rule.]

⁴[Note 4 - The Director of Treasuries is empowered to sanction charge allowance under this Rule for a period of twelve months.]

Note 5 - Government servants when deputed to places outside the State to attend conferences and technical committee meetings, for training, etc. treated as on duty and whenever sub-ordinate officers replaced in-charge of the current duties of such officers no charge allowance is admissible to the officers so placed in charge except in cases where the period of deputation, training etc. is not less than one month and the officer on deputation or training actually gives over charge before proceeding on deputation or training.]

1. Inserted by No.FD 193 SRS 60 dated 3.3.1961 (wef 6.3.1961)
 2. Inserted by No.FD 271 SRS 59 dated 23.12.1959 (wef 31.12.1959)
 3. Substituted by No.FD 6 SRS 69 dated 17.4.1969 (wef 2.5.1969)
 4. Inserted by No.FD 79 SRS 75 dated 15.3.1977 (wef 16.6.1975)

¹[Note 6 - No charge allowance is admissible under this rule to a Government servant who is placed in additional charge of the duties of a dalayat, daffedar, jamedar or a watchman.]

²[Note 7 - The amount of charge allowance resulting in a fraction of a rupee shall be rounded off to the next rupee.]

³[Note 8 :- The Authority competent to make incharge arrangements specified in column (1) of the table below, may make incharge arrangements for vacant posts in respect of sub-ordinate Government servants holding the posts in the scales of pay specified in column (2) thereof to the maximum duration specified therein.]

Authority competent to make incharge arrangements	Posts in the scale of pay of		
	(1)	(2)	
	Rs.7400-13120 and above	Rs.5575-10620 and above but below Rs.7400-13120	Rs.2500-3850 and above but below Rs.5575-10620
Heads of Departments	4 months	6 months	Full powers
Divisional level officers	3 months	4 months	Full powers
District level officers	2 months	3 months	Full powers
Sub Divisional Officers	-	2 months	Full powers
Taluk level officers	-	-	Full powers

Instruction 1.- Charge allowance in respect of only one additional post is admissible even though a Government servant is placed in additional charge of the duties of more than one post concurrently.

1. Inserted by No. FD 51 SRS 68 dated 28.9.1968 (wef 8.10.1968)

2. Inserted by No. FD 46 SRS 85 dated 7.2.1986 (wef 5.6.1986)

3. Inserted by No. FD 4 SRA 99 dated 2.6.2000 (wef 1-1-1999)

(Letter No.FD 9654/S-1/58 dated 29th January 1959)

2. It is not clear whether the clarification issued in letter dated 29th January 1959 is applicable to cases where a Government servant appointed to be in independent charge of a post under rule 32 Karnataka Civil Services Rules is placed in additional charge of duties of another post under rule 68 of Karnataka Civil Service Rules concurrently.

An actual case is given below.

A Senior Superintendent of the State Accounts Department has been placed in independent charge of the duties of one of the post of Assistant Accounts Officers in the Chief Accounts Office, Sharavathi Project, and is being paid charge allowance at 1/10th of the minimum pay of the post in accordance with rule 68 of Karnataka Civil Services Rules with effect from 3rd July 1961. He has been placed in additional charge of the duties of another Accounts Officer who has proceeded on leave.

(Letter No. TM/VI 2/61-62/D/371 dated 7th September, 1961 from the Accountant General, Karnataka, Bangalore to the Secretary to Government of Karnataka, Finance Department, Bangalore.)

Charge allowance is admissible in the type of cases cited by you as the Government servant holds another post in addition to the post of which he is placed in independent charge.

(Letter No. FD 6111/S-I/61, dated 4th October 1961 from the Finance Secretary, to the Accountant General, Karnataka, Bangalore.)

Instructions:

¹[The following delegation of powers to the Secretaries to the Administrative Departments of the Government is hereby ordered to be given effect to from 1st December 1974.

Nature of Power	Further financial powers delegated to Secretaries to Govt.
Continuation of incharge arrangements beyond six months and payment of charge allowance (Rule 68, KCSRs)	Full powers

1. G.O. No. FD 3 REP 74 dated 27.11.1974.

69. The charge allowance is payable even in cases where the pay of the officer together with the charge allowance, exceeds the pay which he would have received if he had officiated in the office.

Note - Charge allowance is admissible only in cases where a Government servant is placed in additional charge of the duties of another officer carrying almost the same or higher rate of pay. For example, when a First Division Assistant is placed in additional charge of the current duties of a Second Division Assistant, charge allowance is not payable to the former.

70. A Government servant placed in charge of the current duties of an office is not entitled to any fixed travelling, tentage local or other allowances (including ¹[special allowance]) attached to the office except under the special orders of Government.

Exception 1 - An officer of the Karnataka Revenue Survey Department when placed in charge of another survey establishment in addition to his own, may when the arrangement is sanctioned by the Heads of Departments draw the tentage allowance attached to that establishment.

2. A Government servant placed in charge of the current duties of a Tahsildar is entitled to the fixed travelling allowance admissible to a Tahsildar. Taluk Sheristedars placed in charge of Taluks shall be paid actual Travelling allowance admissible under the ordinary rules, subject to a Maximum of Rs. 4 per mensem for journeys performed by them.

3. A Government servant who is already in receipt of ¹[special allowance] or an allowance when placed in charge of an appointment to which ¹[special allowance] or an allowance is attached, shall be entitled to draw either the ¹[special allowance] or allowance already in receipt or the ¹[special allowance] or allowance for being in charge of the duties of the post, but not both.

1. Substituted by No. FD 7 SRA 99, dated 29.4.2000 (wef 1.4.1998)

COMPENSATORY ALLOWANCES

71. The amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient. All general or special orders are subject to this principle.

¹[72(1) Unless it is in any case otherwise expressly provided by these rules or by general or special orders of Government, a compensatory allowance attached to a post shall be drawn in full by the Government servant actually performing the duties of the post and shall not be drawn in whole or part by any one else.

(2) Notwithstanding the provisions of sub-rule (1) above, any local allowance, including project allowance may be drawn by a Government servant engaged or deployed temporarily on special duty out of the project area during the period of such special duty.]

¹[73. xxx]

¹[74. Where a Government servant in receipt of house rent allowance or city compensatory allowance is engaged or deployed temporarily on special duty, he is entitled to draw the said allowances during the period of such special duty at the rates at which he would have drawn them, but for such special duty.]

¹[74-A. xxx]

75. Government may make rules or issue orders laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or taken on lease by it, or such portions thereof, as the Government may make available for the purpose. Such rules or orders may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such officer shall be considered to be in occupation of a residence. Rules in Appendix IV govern the occupation of Government buildings.

1. Amended by No.FD 66 SRS 79 dated 15.11.1980 (wef 27.11.1980)

CHAPTER VII
JOINING TIME

¹[76. Admissibility of Joining Time:- (1) Joining time shall be granted to a Government servant on transfer in public interest to enable him to join the new post either at the same or a new station.

(2) where a Government servant is engaged or deployed temporarily on special duty, he is not entitled to joining time but may be allowed only the actual transit time, as admissible in the case of journeys on tour.

(3) Where a Government servant is transferred at his request or for any reason other than public interest, no joining time, except that which may be granted under rule 85, is admissible and the actual period taken by him in transit shall be treated as dies non and shall not count for increment and pension. But such a Government servant may at his request be granted any kind of leave due and admissible to him as on the date of such transfer for a period not exceeding the joining time which would have been admissible to him, if the transfer had been made in public interest.

(4) Where a Government servant to whom these rules apply, is transferred on deputation to the control of Central Government or any other State Government or organisation, which has made separate rules prescribing the period of joining time his joining time for the journey to join his post under that Government or organisation and for the return journey, shall be governed by those rules, unless different provisions are expressly made in the terms of deputation/ foreign service by mutual agreement between the lending and borrowing authorities.

(5) Where an employee of Central Government or any other State Government, Railway Board or any other organisation is appointed on deputation to the Civil Services of this State Government or any post therein, his joining time for joining the said Civil Services or post and for return journey, shall be regulated in accordance with the provisions of these rules unless different provisions are expressly made in his terms of deputation to foreign service by mutual agreement between the lending and borrowing authorities.

1. Substituted by No. FD 66 SRS 79 dated. 15.11.1980 (wef 27.11.1980)

(6) For appointment to Civil Services and posts of this State Government on the results of competitive examination and/or interview open to Government servants and others, joining time is admissible

(a) to all Government servants to whom these rules apply, irrespective of whether they are permanent or temporary; and

(b) to employees of the Central Government or any other State Government, only if they are permanent or provisionally permanent.

(7) Where a Government servant, to whom these rules apply, is discharged due to reduction of establishment from one office and appointed in another office, he shall be entitled to joining time, if the orders of appointment to the new post are received by him, while working in the old post. If such a Government servant is appointed to the new post after being discharged from the old post the period of break may be converted into joining time without pay by the Head of the Department, provided that the break does not exceed 30 days and the Government servant has rendered a continuous service of not less than 3 years on the date of his discharge.

(8) A Government servant deputed within the State or outside the State in India to undergo a course of instruction or training authorised by or under the orders of the competent authority is treated as on duty. The time reasonably required by such a Government servant for journeys between the place of training/instruction and his headquarters immediately before and after the period of training is treated as part of the period of training/instruction. Therefore, such a Government servant is not entitled to joining time.

Where, however, on completion of the training/ instruction, such a Government servant is posted to a station other than that from which he proceeded for the training/instruction, he is entitled to joining time.

(9) Where a Government servant who has been suspended is reinstated and posted to a station different from that at which -

(a) he was working immediately before his suspension or leave preceding the suspension, or

(b) he was permitted to reside during the period of his suspension,

he is entitled to joining time from the date following the date of receipt of the orders of posting. No joining time is admissible to such a Government servant, if the posting does not involve change of station as mentioned above.

77. Period of joining time where transfer does not involve change of station/residence:- Where the transfer of a Government servant is within the same station or does not involve change of residence from one station to another, his joining time shall be regulated as specified below :-

(a) Where the Government servant makes over charge in the forenoon, he should take over charge in the afternoon of the same day;

(b) Where the Government servant makes over charge in the afternoon, he should take over charge in the forenoon of the succeeding day, unless it is a holiday;

(c) Where the Government servant makes over charge on the afternoon and the succeeding day(s) is (are) holiday(s), he should join duty in the forenoon of next working day;

(d) Where a Government office /institution functions in the forenoons, a Government servant who is expected to join duty in the forenoon should do so, as soon as the office/institution commences work and a Government servant who is relieved at the close of the office/institution is treated as having been relieved in the afternoon;

(e) 12 noon is treated as forenoon except as otherwise provided in clause (d) above.

Explanation - The terms 'same station' used in this rule shall be interpreted to mean the area falling within the jurisdiction of a Village Panchayat/ Municipality/Municipal Corporation.

Explanation - Transfer of a Government servant from Hubli to Dharwad or vice versa shall be considered as transfer between two different stations.

78. Period of joining time, where transfer involves change of station/residence:- (1) Where a Government servant is transferred from one station to another and the transfer involves change of residence, he should be allowed joining time with reference to the distance between the old headquarters and the new headquarters

by the direct route and ordinary modes of travel as indicated in the following schedule:-

Distance between old headquarters and new headquarters.	Joining time admissible
1000 Kms. or less	10 days
More than 1000 Kms.	12 days
More than 2000 Kms.	15 days, except in cases of travel by air for which maximum is 12 days.

Explanation,- (1) Distance means the actual distance and not the weighted distance for which fare is charged by the Railways in certain ghat/hill stations.

(2) The joining time shall commence from the date of relinquishment of charge of the old post if the charge is made over in the forenoon or the following day, if the charge is made over in the afternoon. For this purpose 12 noon is considered as forenoon.

(3) The joining time shall be calculated from the old headquarters in all cases, including those wherein a Government servant receives his transfer orders or makes over charge of the old post at a place other than his old headquarters or wherein the headquarters of a Government servant on tour is changed to the tour station itself or some other station.

79. Joining time in respect of transfer while in transit:- If a Government servant in transit on transfer is directed to proceed to a station different from that indicated in the initial transfer orders, he shall be entitled to -

(i) joining time already availed of upto the date of receipt of the revised orders, and

(ii) fresh spell of joining time from the date following the date of receipt of the revised orders.

The fresh spell of joining time in such cases shall be calculated from the place at which he received the revised orders as if he were transferred from that place.

80. Notwithstanding the provisions of rule 78, a Government servant returning from leave granted for prosecution of study/training

abroad may avail himself of joining time not exceeding 7 days irrespective of the place of his posting or the duration of the leave.

81. Notwithstanding the provisions of rule 78, a Government servant, whose period of deputation abroad consists of only a period of duty under the rules in Annexure 'B' of Appendix II, may avail himself of joining time not exceeding 7 days irrespective of his place of posting.

82. Combination of holiday(s) with joining time:- When holiday(s) follow(s) joining time, the normal joining time admissible under these rules shall be deemed to have been extended to cover such holiday(s).

Explanation:- Holidays can only be suffixed to joining time but not prefixed to it.

83. Combination of leave or vacation with joining time:- (1) Joining time may be combined with vacation and/or leave of any kind or, duration except casual leave. But, where a Government servant applies for leave on transfer, no leave shall be granted to him except on medical grounds.

(2) Casual leave is not admissible in combination with or in continuation of joining time.

84. Curtailment of joining time :- Notwithstanding the provisions of rules 78, 80 or 81, the authority under whose orders the transfer of charge takes place, may, in the exigencies of public service, direct a Government servant on his transfer to take charge of the post to which he is transferred by utilising only the transit time necessary for the journey or joining time for specified period shorter than the normal joining time admissible under these rules.

85. Additional joining time for taking over charge in certain cases:

Where assumption of charge by a relieving Government servant involves -

- (a) verification of stores, or
- (b) inspection of works,

together with the Government servant to be relieved, the former may be granted additional joining time as specified in the schedule given below, by the Head of the Department concerned or by any authority empowered by him:-

Designation of the relieving Government servant	charge to taken	Maximum period of extension of joining time.
1	2	3
P.W.D. Sub-Divisional Officer	Sub-Division	7 days
Store-Keeper	Divisional Stores	7 days
	Central Stores and stores attached to Water Supply Division.	10 days
Department of Health and Family Welfare: Superintendent Medical Stores	Governmental Medical Stores	15 days
Department of Prisons: Store Keeper	Prison Stores	7 days
Police Department: Store Keeper	District Police Stores	3 days
Education Department: Government servants in direct charge of Libraries and Laboratories.	Libraries and Laboratories	10 days
Department of Treasuries: Shroff	Treasury where there is no Treasurer/ Deputy Accountant/ Stamp Clerk.	2 days
Sub-Treasury Officer	Treasury	3 days
Deputy Accountant	Stamps	3 days
Stamp Head Clerk	Stamps	3 days
Treasurer	District Treasury	3 days
District Treasury Officer	- do -	4 days
Superintendent of Stamps, Bangalore	Stamps	10 days
Treasury Officer, State Huzur Treasury	Treasury	1 day

Department of Food and Civil Supplies and other Departments: Government servants in direct charge of Godowns	Godowns, where commodities are stored in standard or unstandard bags.	1 day for every 400 standard bags or fraction thereof or 300 unstandard bags or fraction thereof.
Forest Department: Government servants in direct charge of Timber/Sandal wood Depots.	Timber/ Sandalwood Depots.	1 day for checking every 10,000 cft of timber. 1 day for checking 20 tons of sandal wood stock or a fraction thereof exceeding 10 tons.

Explanation - Transfer of charge is not completed until the certificate of transfer of charge has been signed by both the relieving and the relieved Government servants. As soon as the transfer of charge is thus completed, the relieved Government servant is regarded as on joining time and must take charge of his new post before its expiry. Ordinarily the transfer of charge should be completed before expiry of the joining time of the relieving Government servant and it is his duty to arrive at the new station in time to take charge within the joining time admissible to him. Where the relieving Government servant does not sign the transfer certificate within this period, he should be regarded as having exceeded his joining time.

86. Extension of joining time:- Extension of joining time beyond the limits specified in rule 78(1) may be granted upto a

maximum of 15 days by the Head of the Department concerned and beyond 15 days by the Government, the guiding principle being that the total period of joining time should approximately be equal to 8 days for preparation, plus reasonable transit time, plus holidays, if any, following the extended joining time. While computing the transit time, allowance should be made for the time unavoidable spent due to disruption of transport arrangements caused by strike or natural calamities or accidents.

87. Unavailed portion of joining time to be credited to leave account as earned leave:- When a Government servant joins the new post without availing the full joining time as admissible, under sub-rule (1) of rule 78 or rules 80 or 81, the number of days of joining time admissible, reduced by the number of days actually availed of shall be credited to his leave account as earned leave.

88. Overstayal of joining time :- Where a Government servant overstays his joining time the period of such absence shall be treated as unauthorised absence in accordance with the provisions of rule 106-A.

89. Pay during joining time:- A Government servant on joining time shall be treated as on duty and shall be entitled to be paid as follows:

(a) Where joining time is availed of by a Government servant immediately on relinquishment of charge of his old post without availment of any leave, he is entitled to draw pay equal to the pay which was drawn before relinquishment of charge of the old post and compensatory allowances like DA, CCA and HRA admissible thereon.

(b) Where joining time is availed of by a Government servant in continuation of leave of any kind, except casual leave, he is entitled to draw pay equal to the pay which was drawn before relinquishment of charge of the old post and the compensatory allowances like DA, CCA and HRA admissible thereon.

(c) Where joining time is availed of by a Government servant under sub-rule (8) of rule 76 or rule 81, he is entitled to draw pay equal to the pay last drawn during the period of his deputation for training/study and compensatory allowances like DA, CCA and HRA admissible thereon.

(d) Where joining time is availed of by a Government servant under sub-rule (9) of rule 76 he is entitled to draw pay equal to the pay which he was in receipt of immediately prior to the date of suspension or which he would have received but for proceeding or being on leave immediately prior to the date of suspension and compensatory allowances like DA, CCA and HRA admissible thereon.

(e) on the pay admissible for the period of joining time as specified as (a) to (d) above, Conveyance Allowance, Permanent Travelling Allowance and Project Allowance are not payable.

90. Reckoning of Joining Time for increment:- Joining time counts for increment in accordance with the provisions of clause (d) of rule 53.]

**¹[CHAPTER VIII - SERVICE ON DEPUTATION
UNDER THE GOVERNMENT OF INDIA, LOCAL AUTHORITY
AND CO-OPERATIVE INSTITUTIONS]**

²[xxx]

1. Amended by No. FD 133 SRS 62 dated 20.12.1962 (wef 7.1.1963)
2. Deleted by No. FD 86 SRS 66 dated 12.12.1966.

CHAPTER IX
COMPULSORY RETIREMENT

¹[95(1) Subject to the provisions relating to the protection of conditions of service prescribed by the Government of India, in respect of persons allotted or deemed to have been allotted to serve in connection with the affairs of the State under Section 115 of the States Re-organisation Act, 1956, the date of compulsory retirement of a Government servant shall be the afternoon of the last day of the month in which he attains the age of 58 years:

Provided that the date of compulsory retirement of a Government servant whose date of birth is the first day of a month shall be the afternoon of the last day of the month preceding the month in which he attains the age of 58 years:

Provided further that where the date of compulsory retirement of a Government servant is a general holiday or the date of compulsory retirement and the day(s) preceding thereto are general holidays, he may be permitted to hand over charge on the afternoon of the last working day before the date of such retirement and may be allowed pay and allowances for the holiday or holidays.

(2) Notwithstanding anything contained in sub-rule (1), Government may grant re-employment to any Government servant beyond the date of his compulsory retirement if he is physically fit, on public grounds, which must be recorded in writing subject to the condition that such re-employment shall not be granted beyond the age of 60 years, except in very special circumstances. No Government servant shall be continued in service beyond the date of compulsory retirement, except with the prior and specific sanction of Government.

(3) Notwithstanding anything contained in sub-rule (1), a competent authority may remove or dismiss any Government servant from Government service or may require him to retire from it compulsorily on the ground of misconduct or insolvency or inefficiency, provided that before any such order is issued, the procedure laid down in the Karnataka Civil Services (Classification, Control and Appeal) Rules 1957, shall be followed.

1. Substituted by No.FD 42 SRS 84 dated 30.11.1984 (w.e.f 2.8.1984)

(4) Notwithstanding anything to the contrary contained in this rule or any other rule made under the proviso to Article 309 of the Constitution of India or in the contract, or the terms and conditions of retention of any Government servant in service after the date of compulsory retirement, the services of a Government servant so retained shall be liable for termination at any time by a notice in writing given either by the Government servant to the appointing authority or the appointing authority to the Government servant and the period of such notice shall be one month:

Provided that, the service of any such Government servant may be terminated forthwith and on such termination the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowance for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services, or as the case may be, for the period by which such notice falls short of one month.)

¹[95A. The age of retirement of Judicial Officers shall be raised to 60 years subject to the following conditions, namely :-

(1) The High Court of Karnataka should assess and evaluate the record of the Judicial Officer for his continued utility well within the time before he attains the age of 58 years by following the procedure for the compulsory retirement under the service rules applicable to him and give him the benefit of the extended superannuation age from 58 to 60 years, only if he is found fit and eligible to continue in service.

(2) If found not fit and ineligible, he should be compulsorily retired on his attaining the age of 58 years.

(3) The assessment as indicated above should be done before the attainment of the age of 58 years.

(4) The above assessment is for evaluating the eligibility to continue in service beyond 58 years of age and is in addition to and independent of the assessment for compulsory retirement that may have to be undertaken as per the relevant service rules.

(5) Those Judicial Officers who are not desirous of availing of the benefit of enhanced superannuation age with the condition of compulsory retirement at the age of 58 years, may give an option to

1. Inserted by No. FD 7 SRA 95 dated 26-8-1997 (wef 1-1-1993)

retire at the age of 58 years and such an option shall be exercised in writing by the Judicial Officer before he attains the age of 57 years.

(6) Such of the Judicial Officers who do not exercise the said option mentioned above before attaining the age of 57 years, shall be deemed to have opted for continuing in service till the enhanced superannuation age of 60 years with the liability to compulsory retirement at the age of 58 years.

(7) The benefit of the increase of the retirement age to 60 years shall not be available automatically to all Judicial Officers irrespective of their past record of service and evidence of their continued utility to the Judicial system. The benefit will be available to those who in the opinion of the High Court have a potential for continued useful service. The potential for continued utility shall be assessed and evaluated by appropriate committees of Judges of the High Court constituted and headed by the Chief Justice of the High Court and the evaluation shall be made on the basis of the Judicial Officer's past record of service, character rolls, quality of judgements and other relevant matters.

Explanation :- For the purpose of this rule Judicial Officer means "District Judge or Civil Judge (Senior Division) or Civil Judge (Junior Division), belonging to Karnataka Judicial Service.]

¹[96 xxx]

²[(2) The authority competent to sanction pension shall prepare every six months i.e. on the 1st January and the 1st July of each year a list indicating the name, designation, dates of birth and dates of retirement of all Gazetted and non-Gazetted Government servants who are due to retire within the next 12 to 18 months and of every Government servant who is on extension of service. He shall send the list to Government in the Finance Department and to the Audit Office not later than the 31st January and the 31st July respectively. In respect of Heads of Departments and Secretaries to Government, the list shall be prepared and sent by the Chief Secretary to Government.

Note - In the case of a Government servant retiring for reasons other than superannuation, the Head of the Department shall promptly inform the Audit Office as soon as the impending retirement becomes known to him.]

1. Deleted by No. FD 18 SRS 77 dated 3.8.1978 (wef 10.8.1978)

2. Substituted by No. FD 140 SRS 73 dated 30.8.1974 (wef 19.9.1974)

CHAPTER X

DISMISSAL, REMOVAL AND SUSPENSION

97. The pay and allowances of a Government servant who is dismissed or removed or compulsorily retired from service cease from the date of such dismissal or removal or compulsory retirement.

¹[97-A. A Government servant under suspension shall not seek any employment, business, profession or vocation either in private or in institutions where Government have interest.]

²[98(1) A Government servant who is placed or deemed to have been placed or continues to be under suspension shall be entitled to the following payments, namely:-

(a) Subsistence allowance, at an amount equal to the leave salary which the Government servant would have drawn if he had been on leave on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary, and

(b) House rent allowance and city compensatory allowance admissible from time to time on the basis of pay of which the Government servant was in receipt on the date of suspension subject to fulfilment of other conditions laid down for drawal of such allowances:

Provided that where the period of suspension exceeds six months, the authority which made or is deemed to have made, the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:-

(i) The amount of subsistence may be increased by a suitable amount not exceeding fifty per cent of the subsistence allowance admissible during the period of first six months, if, in the opinion of the said authority the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government servant.

(ii) The amount of subsistence allowance may be reduced by a suitable amount not exceeding fifty per cent of the subsistence allowance admissible during the period of the first six months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing directly attributable to the Government servant.

1. Inserted by No. FD 123 SRS 68 dated 11.11.1968

2. Substituted by No. FD 21 SRS 86 dated 8.7.1987

(iii) The amount of dearness allowance shall be based on the increase or decrease in the amount of subsistence allowance, as the case may be, admissible under clauses (i) and (ii) above.

(2) No payment under sub-rule (1) shall be made unless the Government servant furnishes a certificate that he is not engaged in any other employment, business, profession or vocation:

Provided that in the case of a Government servant dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement under sub-rule (3) or sub-rule (4) of rule 10 of the Karnataka civil Services (Classification, Control and Appeal) Rules, 1957 and who fails to produce such a certificate for any period or periods during which he is deemed to have been placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods, as the case may be fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him but when the subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him nothing in this proviso shall apply to him.]

¹[99(1) When a Government servant who has been dismissed, removed or compulsorily retired, is reinstated as a result of appeal or review or would have been so reinstated ²[but for his retirement or superannuation while under suspension or not] the authority competent to order reinstatement shall consider and make a specific order -

(a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and

(b) whether or not said period shall be treated as a period spent on duty.

(2) Where the authority competent to order reinstatement, is of opinion that the Government servant who had been dismissed, removed or compulsorily retired has been fully exonerated the

1. Amended by No. FD 39 SRS 73 dated 10.5.1974 (wef 1.8.1974)

2. Amended by No. FD 39 SRS 73 dated 22.12.1975 (wef 19.8.1976)

Government servant shall, subject to the provisions of sub rule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may after giving him an opportunity to make his representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such proportion of such pay and allowances as it may determine.

(3) In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-rule (2) (including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirements of ¹[Clause (1) or Clause (2) of Article 311] of the Constitution and no further inquiry is proposed to be held) the Government servant, shall subject to the provisions of sub-rules (6) and (7), be paid such proportion of the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period as may be specified in the notice:

¹[xxx]

(5) In case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose:

1. Amended by No.FD 45 SRS 81 dated 8.2.1982 (wef 18.2.1982)

Provided that if the Government servant so desires such authority may direct that the period of absence from duty, including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government servant.

Note:- The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of,-

(a) extraordinary leave in excess of three months in the case of temporary Government servant; and

(b) leave of any kind in excess of five years in the case of permanent or quasi-permanent Government servant.

(6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all the other conditions under which such allowances are admissible.

(7) The proportion of the full pay and allowances determined under the proviso to sub-rule (2) or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under Rule 98.

(8) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Government servant.

(9) No extra cost may ordinarily be imposed on the State by the grant of an allowance under this Rule without the permission of Government. This power is delegated to Heads of Departments in cases where the period during which the Government servant has remained unemployed through removal or dismissal '[does not exceed one year].

Note:- The grant of pay and allowances or a proportion of them does not cancel any officiating arrangements that may have been made while the Government servant was under removal or dismissal.

99A:- (1) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by a Court of law and such Government servant is reinstated without holding any further enquiry, the period of absence from duty shall be regularised and the Government servant shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or (3) subject to the directions, if any, of the Court.

(2) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the court solely on the ground of non-compliance with the requirements of '[clause 1 or clause (2) of article 311] of the Constitution and where he is not exonerated on merits, the pay and allowances to be paid to the Government servant for the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be and the date of reinstatement shall be determined by the competent authority and the said period shall be regularised, in accordance with the provisions contained in sub-rules (4), (5) and (7) of rule 99.

(3) If the dismissal, removal or compulsory retirement of a Government servant is set aside by the court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be and the date of reinstatement shall be treated as duty for all purposes and he shall be paid for the period the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government servant.

1. Amended by No. FD 45 SRS 81 dated 8-2-1982 (wef 18.2.1982)

100(1) When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement on superannuation while under suspension, the authority competent to order reinstatement shall consider and make a specific order -

(a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement on superannuation, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in Rule 98, where a Government servant under suspension dies before the disciplinary or court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid for that period the full pay and allowances to which he would have been entitled had he not been suspended subject to adjustment in respect of subsistence allowances already paid.

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified the Government servant shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of the opinion that termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation, and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall be paid for the period of such delay only such proportion of such pay and allowance as it may determine.

Note 1 - Allowances such as permanent travelling allowance, conveyance allowance and ¹[special allowance] which are paid for the performance of specific duties and which the Government servant was in receipt of immediately prior to the date of his suspension shall not be payable for the period of suspension which is subsequently treated as duty under this clause.

1. Substituted by No. FD 7 SRA 99, dated 29.4.2000 (wef 1.4.1998)

Note 2 - Where a Government servant who is not considered for promotion on account of his being under suspension, is fully exonerated on the conclusion of the enquiry, he may be promoted in the next available vacancy or, if there is no vacancy, by reversing the officiating arrangement made previously. His pay, on the date of actual promotion, may be fixed at a stage which he would have reached had he been promoted on the date his junior was promoted and took charge, the order of fixation of pay being issued under rule 57.

(4) In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-rules (2) and (3), the Government servant shall subject to the provisions of sub-rules (8) and (9) be paid such proportion of the full pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1), who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

(7) In a case falling under sub-rule (5) the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose;

Provided that if the Government servant so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government servant.

Note:- The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of extraordinary leave in excess of three months in the case of temporary Government servant.

(8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The proportion of full pay and allowances determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under Rule 98.]

Instruction 1:- A permanent post vacated by the dismissal, removal or compulsory retirement of a Government servant should not be filled up substantively, until the period of one year from the date of such dismissal, removal or compulsory retirement. as the case may be. Where, on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his, previous substantive post belonged. If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in this grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade. (O.M. No. FD 49 SRS 61 dated 16.6.1961)

Instruction 2:- Government have had under their consideration the circumstances in which supernumerary posts may be created and what should be the general principles governing the creation of such posts. Instructions have also been issued regarding the creation of supernumerary posts to accommodate the following categories of officials:-

(1) Permanent Government servants who are substantively reduced to a lower post on account of inefficiency or misbehaviour and for whom permanent posts in the lower service/ grade/time-scales, etc., are not available (vide OM No. FD 148 SRS 60, dated 26th October 1960).

(2) Permanent Government servants who vacate their posts as a result of dismissal, removal or compulsory retirement but are later reinstated after the expiry of a period of more than one year. (Vide Instruction below Karnataka Civil Service Rules, 100, issued in OM NO. FD 49 SRS 61, dated 16th June 1961). It is however, not possible to give an exhaustive list of the circumstances in which supernumerary posts may be created. Government are therefore, pleased to lay down the following broad principles governing the creation of such posts:-

(i) A supernumerary post is normally created to accommodate the lien of a Government servant, who, in the opinion of the authority competent to create such a post is entitled to hold a lien against a regular permanent post but who due to non-availability of a regular permanent post cannot have his lien against such a post.

(ii) It is a shadow post, i.e., no duties are attached to such a post. The Government servant whose lien is maintained against such post, generally performs duties in some other vacant temporary or permanent post.

(iii) It can be created only if another vacant permanent or temporary post is available to provide work for the person whose lien is retained by the creation of the supernumerary post. In other words, it should not be created in circumstances which, at the time of the creation of the post or thereafter, would lead to an excess of the working strength.

(iv) It is always a permanent post. Since, however, it is a post created for accommodating a permanent Government servant till he is absorbed in a regular permanent post. It should not be created for an indefinite period as other permanent posts are but should normally be created for a definite and fixed period sufficient for the purpose in view.

(v) It is personal to the Government servant for whom it is created and no other Government servant can be appointed against such a post. It stands abolished as soon as the Government servant for whom it was created vacates it on account of retirement or confirmation in another regular permanent post or for any other reason. In other words, no officiating arrangements can be made against such a post. Since a supernumerary post is not a working post the number of working posts in a cadre will continue to be regulated in a manner that, if a permanent incumbent of one of the regular posts returns to the cadre and all the posts are manned, one of the Government servants of the cadre will have to make room for him. He should be shown against a supernumerary post.

(vi) There should be no extra financial commitment involved in the creation of such posts in the shape of increased pay and allowances pensionary benefits, etc.,

2. Subject to the observance of the principles set out in the previous paragraph, supernumerary posts may be created only in consultation with the Finance Department.

3. The Heads of Departments should maintain a record of the supernumerary posts, the particulars of the individuals who hold liens against them and the progressive abolition of such posts as and when the holders of the posts retire or are absorbed in regular permanent posts, for the purpose of verification of service pension.

(O.M. No. FD 49 SRS 61 dated 17th June 1961)

COMMITTALS TO PRISON

SUSPENSION DURING PENDENCY OF CRIMINAL PROCEEDINGS OR PROCEEDINGS FOR ARREST FOR DEBT OR DURING DETENTION UNDER A LAW PROVIDING FOR PREVENTIVE DETENTION.

101. A Government servant against whom proceedings have been taken either for his arrest for debt or on a criminal charge or who is detained under any law providing for preventive detention, should be considered as under suspension for any periods during which he is detained in custody or is undergoing imprisonment and not allowed to draw any pay and allowances other than any subsistence allowance that may be granted in accordance with the principles laid down in Rules 98 for such periods until the termination of the proceedings taken against him or until he is released from detention and allowed to rejoin duty, as the case may be. An adjustment of his allowances for such periods should thereafter be made according to the circumstances of the case, the full amount being given only in the event of the officer being acquitted of the blame or (if the proceedings taken against him were for his arrest for debt) of its being proved that the officer's liability arose from circumstances beyond his control. In cases where the arrest is for detention under a law providing for preventive detention the full amount of allowances for the period of detention, shall be given only when such detention is held by any competent authority to be unjustified.

102. A Government servant against whom a criminal charge or a proceeding for arrest for debt is pending should also be placed under

suspension by the issue of specific orders to this effect during periods when he is not actually detained in custody or imprisoned (i.e., whilst released on bail), of the charge made or proceeding taken against him is connected with his position as a Government servant or is likely to embarrass him in the discharge of his duties as such or involves moral turpitude. In regard to his pay and allowances, the provisions of Rule 101 above shall apply.

Note 1 - A subsistence allowance not exceeding the prescribed rate may, however, be granted even in cases of committals to prison at the discretion of the suspending authority.

¹[Note 2- Each claim for subsistence and compensatory allowances should be supported by a certificate by the Government servant concerned to the effect that he was not engaged in any employment, business, profession or vocation during the period to which the claim relates.]

CONVICTIONS

103. Whenever a Government servant is judicially convicted of any offence, a copy of the decision should be sent to the Head of the Department under whom he is employed in order that such action in the case as may be deemed proper may be taken at once.

LEAVE WHILE UNDER SUSPENSION

104(1) Leave of absence for a definite period is not admissible to a Government servant who has been suspended from duty and, without obtaining the permission of the authority competent to fill up the appointment, a Government servant under suspension should not leave the station where his office is situated.

²[(2) No payment under Rule 98 shall be made unless the Government servant continues to reside in the station where his office is situated or in the station in which he is permitted to reside by the authority which made or which is deemed to have made the order of suspension.]

1. Substituted by No. FD 19 SRS 70 dated 21-9-1970 (wef 19.10.1970)

2. Inserted by No. FD 216 SRS 71 dated 13-3-1972.

PART III - LEAVE
CHAPTER XI - MAIN RULES
SECTION 1 - GENERAL RULES

105. This part shall apply in respect of all claims in respect of leave availed of on and after 1st October 1957 under the Mysore Leave Rules, 1957 as if they are claims made under this part:

Provided that every person allotted to serve in connection with the affairs of the State of Mysore under Section 115 and Section 116 of the State Reorganisation Act, 1956 (Central Act 37 of 1956), shall continue to be governed by the Rules applicable to him before the 1st day of November, 1956, as amended from time to time, unless such person exercises his; option to be governed by these Rules ¹[before the first day of August, 1962]

²[Provided further that a person referred to in the preceding proviso who has failed to exercise option to these rules before the first day of August, 1962, may be permitted to exercise option to be governed by these rules with effect from first day of August, 1972. Such option shall be exercised before the first day of August 1973.]

Note - The leave accounts of all the Government servants who opt to this part under this proviso will be closed at the end of 31st July 1972 and leave calculated according to the old rules (which are applicable to them prior to 1st August 1972 and found to be at credit at the end of July 1972 according to the old rules), will be carried forward for being availed of later, subject to the maximum limits prescribed in the old rules. Leave due from 1st August 1972 will be calculated according to the new rules and the total leave at credit (calculated according to the old rules upto 1st August 1972 and according to new rules thereafter) will be permitted to be availed of subject to the maximum limits prescribed under these rules (vide rule 120).]

³[Provided further that any person referred to in the preceding two provisos who failed to exercise option to these rules before 1st August 1972 and therefore continues to be governed by the rules applicable to him before 1st November 1956 may be permitted to exercise an option to be governed by these rules from 1st January 1978. Such option should have been exercised on or before

1. Amended by No. FD 18 SRS 62 dated 15-3-62

2. Inserted by No. FD 128 SRS 72 dated 3-10-72.

3. Inserted by No.FD 91 SRS 78 dated 8-2-1980 (wef 28-2-1980)

31st December 1978. On exercise of such an option, he shall be eligible to entitlement of leave under rules contained in this part from 1st January 1978.

Note- The leave accounts of all the Government servants who opt to this part under this proviso will be closed at the end of December 1977 and leave calculated according to the old rules, (which were applicable to them prior to 31st December 1977 and found to be at credit at the end of December 1977 according to the old rules) will be carried forward for being availed of later subject to the maximum limits prescribed in the old rules. Leave due from 1st January 1978 will be calculated according to the new rules and the total leave at credit (calculated according to the old leave rules upto 31st December 1977 and according to new rules thereafter) will be permitted to be availed of subject to the maximum limits prescribed under these rules (vide rule 120).]

¹[Provided further that any person referred to in the preceding three provisos who had failed to exercise option to these rules before 31st December 1978 and therefore continues to be governed by the rules applicable to him before 1st November 1956 may be permitted to exercise an option to be governed by these rules from 1st July 1985. Such option should be exercised on or before 31st December 1985. On exercise of such an option he shall be eligible to entitlement of leave under these rules contained in this part from 1st July 1985.

Note - The leave accounts of all the Government servants who opt to this part under this proviso will be closed at the end of 30th June 1985 and leave calculated according to the old rules (which were applicable to them prior to 30th June 1985 and the leave so found to be at their credit at the end of June 1985 according to the old rules) will be carried forward for being availed of later subject to the maximum limits prescribed in the old rules. Leave due from 1st July 1985 will be calculated according to the new rules and the total leave at credit (calculated according to the old leave rules upto 30th June 1985 and according to new rules thereafter) will be permitted to be availed of subject to the maximum limits prescribed under these rules (vide rule 120).]

²[Provided further that any person referred to in the preceding four provisos who had failed to exercise option to these rules before 31st December 1985 and therefore continues to be governed by the

1. Inserted by No.FD 25 SRS 85 dated 15-7-85(wef 1-7-1985)

2. Inserted by No.FD 43 SRS 90 dated 1-4-1991 (w.e.f. 1-4-1991)

rules applicable to him before 1st November 1956 may be permitted to exercise an option to be governed by these rules from 1st April 1991. Such option should be exercised on or before 30th June 1991. On exercise of such an option, he shall be eligible to entitlement of leave under these rules contained in this part from 1st April 1991.

Note - The leave accounts of all the Government servants who opt to this part under this proviso will be closed at the end of 31st March 1991 and leave calculated according to the old rules (which were applicable to them prior to 31st March 1991 and the leave so found to be at their credit at the end of March 1991 according to the old rules) will be carried forward for being availed of later, subject to the maximum limits prescribed in the old rules. Leave due from 1st April 1991 will be calculated according to the new rules and the total leave at credit (Calculated according to the old leave rules upto 31st March 1991 and according to new rules thereafter) will be permitted to be availed of subject to the maximum limits prescribed under these rules (vide rule 120).]

Explanation:- The option under the proviso should be exercised by making a declaration in writing and should be communicated by the Government servant concerned the Head of his office if he is a non-gazetted Government servant and to the Accountant General, Karnataka, if he is a Gazetted Government servant. The declaration when received from a non-gazetted Government servant should be countersigned by the Head of the office and pasted in the Service Book of the Government servant concerned. It will be the responsibility of a Government servant opting to be governed by these rules to ensure that the receipt of his declaration is acknowledged by the Accountant General, Karnataka, or by the Head of his office, as the case may be.

Note:- The leave accounts of all the Government servants who opt to this part will be closed at the end of September 1957 and leave calculated according to the old Rules, which were hitherto applicable to them and found to be at credit at the end of September 1957 according to the old Rules will be carried forward to their credit, for being availed of later subject to the maximum limits prescribed in the old Rules. Leave due from 1st October, 1957 will be calculated according to the New Rules, and the total leave at credit (calculated according to the old Rules upto 1st October 1957 and according to the New Rules thereafter) will be permitted to be availed of subject to the maximum limits fixed under these Rules (vide Rule 120).

106. In these rules:-

(i) "Leave" includes Earned leave, Half pay leave, Commuted Leave, Leave not due and extraordinary leave.

(ii) "Earned Leave" means leave earned in respect of periods spent on duty.

(iii) "Half pay Leave" means leave earned in respect of completed years of service.

(iv) "Earned Leave Due" means the amount of earned leave and privilege leave on full pay to the credit of an officer on the 30th September, 1957 under the Old Rules in force on that day, plus the amount of earned leave calculated, as prescribed in Rule 112, Rule 113 or Rule 115 as the case may be, diminished by the amount of the earned leave taken after the 30th September 1957.

¹[Provided that in respect of persons who elected to opt for the new rules with effect from 1st August 1962 "Earned Leave Due" means the amount of Earned Leave and privilege leave on full pay to the credit of an officer on the 31st July 1962 under the old rules, in force on that day, plus the amount of earned leave calculated, as prescribed in Rule 112, Rule 113 or Rule 114 as the case may be, diminished by the amount of the earned leave taken after the 31st July 1962:

Provided further in respect of persons who elected to opt for the new rules with effect from 1st September 1972 "Earned Leave Due" means the amount of earned leave and privilege leave on full pay to the credit of an officer on 31st August 1972 under the old rules in force on that day, plus the amount of earned leave calculated, as prescribed in Rule 112, Rule 113 or Rule 114 as the case may be, diminished by the amount of earned leave taken after 31st August 1972:

Provided also that in respect of persons who elected to opt for the new rules with effect from 1st January 1978 "Earned Leave Due" means the amount of earned leave and privilege leave on full pay to the credit of an officer on 31st December 1977 under the old rules in force on that day, plus the amount of earned leave calculated as prescribed in Rule 112, Rule 113 or Rule 114 as the case may be, diminished by the amount of the earned leave taken after 31st December 1977.]

1. Inserted by No. FD 91 SRS 78 dated 8-2-80 (wef 28-2-80).

¹[Provided further that in respect of persons who elected to opt for the new rules with effect from 1st July, 1985 "Earned Leave Due" means the amount of earned leave and privilege leave on full pay to the credit of a Government servant on 30th June 1985 under the old rules in force on that day, plus the amount of earned leave calculated as prescribed in Rules 112 or 113 as the case may be, diminished by the amount of the earned leave taken after 30th June 1985.

²[Provided further that in respect of persons who elected to opt for the new rules with effect from 1st April 1991 "Earned Leave Due" means the amount of Earned Leave and Privilege Leave on full pay to the credit of a Government Servant on 31st March 1991 under the old rules in force on that day, plus the amount of earned leave calculated as prescribed in Rule 112 or 113 as the case may be, diminished by the amount of the earned leave taken after 31st March 1991.]

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

(vi) "Commuted Leave" means leave taken under sub-rule (c) of Rule 114.

(vii) "Half-Pay Leave Due" means the amount of leave on half-pay or half-average salary at credit on 30th September, 1957 under the Old Rules Plus the amount of half-pay leave calculated as prescribed in Rule 114 for the service after the 30th September, 1957, diminished by half-pay leave (both due and not due) taken after 30th September, 1957.

³[Provided that in respect of persons who elected to opt for the new leave rules with effect from 1st August 1962, "Half pay leave Due" means the amount of leave on half average salary at credit on 31st July 1962 under the old rules plus the amount of half pay leave calculated as prescribed in Rule 114 for the service after 31st July 1962, diminished by the half pay leave (both due and not due) taken after 31st July 1962:

Provided further that in respect of persons who elected to opt for the new leave rules with effect from 1st September 1972, "Half-pay leave due" means the amount of leave on half average salary at credit on 31st August 1972 under the old rules plus the amount of

1. Inserted by No. FD 25 SRS 85 dated 15-7-85 (wef 1-7-1985)

2. Inserted by No. FD 43 SRS 90 dated 1-4-1991 (wef 1-4-1991)

3. Inserted by No. FD 91 SRS 78 dated 8-2-1980 (wef 28-2-1980)

half pay leave calculated as prescribed in rule 114 for the service after 31st August 1972 diminished by the half pay leave (both due and not due) taken after 31st August 1972:

Provided also that in respect of persons who opt for the new leave rules with effect from 1st January 1978, "Half pay leave due" means the amount of leave on half average salary at credit on 31st December 1977 under the old rules plus the amount of half pay leave calculated as prescribed in rule 114 for the service after 31st December 1977 diminished by the half pay leave (both due and not due) taken after 31st December 1977.)

¹[Provided further that in respect of persons who opt for the new rules with effect from 1st July 1985 "Half pay leave due' means the amount of leave on half average salary at credit on 30th June 1985 under the old rules plus the amount of half pay leave calculated as prescribed in rule 114 for the service after 30th June 1985 diminished by the half pay leave both due and not due) taken after 30th June 1985.]

²[Provided further that in respect of persons who opt for the new rules with effect from 1st April 1991 "Half pay leave due' means the amount of leave on half average salary at credit on 31st March 1991 under the old rules plus the amount of half pay leave calculated as prescribed in rule 114 for the service after 31st March 1991 diminished by the half pay leave (both due and not due) taken after 31st March 1991.]

(viii) "Completed years of service" and "One Year's Continuous Service" means continuous service of the specified duration and includes periods spent on duty as well as on leave including extraordinary leave.

(ix) "Old Rules' means the leave rules applicable to a Government servant immediately before 1st day of October, 1957.

³[(x) 'Vacation Department' means a department or a part of the department to which regular vacations are allowed.]

⁴[106-A:- ⁵[A Government servant who absents himself from duty without leave will not be entitled to any salary for the days of

1. Inserted by No. FD 25 SRS 85 dated 15-7-1985 (wef 1.7.1985).

2. Inserted by No. FD 43 SRS 90 dated 1-4-1991 (wef 1.4.1991)

3. Inserted by No. FD 91 SRS 78 dated 8-2-1980 (wef 28-2-1980).

4. Inserted by No. FD 178 SRS 59 dated 26-8-1959 (wef 3-9-1959).

5. Amended by No. FD 178 SRS 59, dated 13-11-1959 (wef 19-11-1959).

absence and the period of such absence shall be debited to his leave account as though it were half-pay leave to the extent such leave is due and as extra-ordinary leave to the extent the period of half pay leave falls short of the period of such absence unless leave is granted by a competent authority for the days of such absence.] Absence from duty of a Government servant without leave granted by a competent authority, will also render such Government servant liable to disciplinary action for misconduct except where the Government servant establishes to the satisfaction of the authority competent to sanction leave that he was unable to join duty for reasons beyond his control.]

¹[Note 1- when a Government servant has attended office late after the expiry of the grace period of ²[ten minutes] from the appointed time of commencement of office but before 2.00 p.m. he shall forfeit casual leave for half-a-day on each day of such late attendance. If however, the Government servant concerned has no casual leave at his credit, he shall forfeit a day's earned leave or any other kind of leave due and admissible to him for each day of such late attendance.]

³[Note 2- Where a day's duty of a Government servant is divided into two parts, unauthorised absence for any one part shall entail forfeiture of half a day's pay and allowance.]

⁴[106-B(1) No Government servant shall be entitled to any leave under these Rules in respect of absence from duty in pursuance of a strike.

(2) Absence from or cessation of duty by a Government servant on account of participation in a strike shall entail lapse of all kinds of leave at his credit.

Explanation:- For purposes of this rule. the expression "strike" shall have the same meaning as in the Karnataka State Civil Services (Prevention of Strikes) Act, 1966 and includes refusal or abstention from doing work though physically present at the place of duty by resort to pendown strike or stay-in-strike or other method].

107. Leave cannot be claimed as of right. Discretion is reserved to the authority empowered to grant leave to refuse or revoke leave at any time according to the exigencies of the Public Service.

1. Substituted by No.FD 166 SRS 74 dated 18-3-1975 (wef 17-4-1975).

2. Amended by No.FD 14 SRS 82 dated 1-5-1982 (wef 13-5-1982).

3. Inserted by No. FD 12 SRS 65 dated 5-8-65 (wef 28-1-64)

4. Inserted by No. FD 32 SRS 65 dated 18-1-67

¹[108. Unless Government, in view of the special circumstances of the case, determines otherwise, an officer who remains absent from duty without leave ²[for a period of four months or more] may be liable to be dismissed or removed from service ³[after following the procedure laid down in the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.]

109. Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave (except casual leave).

⁴[110 xxx]

111. Subject to the provisions of Rule 107 ⁵[xxx]an officer may at any time be granted the whole or any part of the earned leave due to him.

⁶[112(1) A Government servant other than a person serving in an vacation Department shall be entitled to earned leave of thirty days in a calendar year.

(2) The leave account of every Government servant shall be credited with earned leave in advance in two instalments of fifteen days each on the 1st January and 1st July every year.

⁷[(3) The leave at credit of a Government servant at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year does not exceed two hundred and forty days.]

⁸[Provided that where the earned leave at the credit of a Government servant as on the last day of December or June, is 240 days or less but more than 225 days, the advance credit of 15 days earned leave on first day of January or July to be afforded in the manner indicated under sub-rule (2) shall instead of being credited in their account be kept separately and first adjusted against the earned leave that the Government servant avails during that half year and

1. Substituted by No.FD 57 SRS 65 dated 15.6.68(wef 11.7.68)

2. Amended by No.FD 57 SRS 65 dated 12-11-1968

3. Amended by No.FD 38 SRS 69 dated 21-5-1969

4. Deleted by No.FD 42 SRS 84 dated 30.11.1984 (wef 2.8.84)

5. Deleted by No.FD 42 SRS 84 dated 30.11.1984 (wef 2.8.84)

6. Substituted by No.FD 91 SRS 78 dated 8.2.80 (wef 28.2.80)

7. Substituted by No.FD 9 SRS 87 dated 15.5.87 (wef 21.5.87)

8. Inserted by No. FD 2 SRA 93 dated 22-2-1995 (wef 1-7-1995)

the balance, if any, shall be credited to the leave account at the close of the half year, subject to the condition that balance of said earned leave plus leave already at credit do not exceed the maximum of 240 days.]

(4) Earned leave shall be credited to the leave account of a Government servant at the rate of two and a half days for each completed calendar month of service in the half of the calendar year in which he is appointed.

(5)(i) The credit for the half year in which a Government servant is due to retire or resigns from service shall be afforded at the rate of two and a half days for each completed calendar month of service upto the date of retirement or resignation.

(ii) When a Government servant is removed or dismissed from service or dies while in service, the credit of earned leave shall be allowed at the rate of two and a half days for each completed calendar month of service upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies while in service.

¹[(6) If a Government servant has taken any Extraordinary Leave and/or some period of his absence like suspension has been treated as *dies non* or non-duty in a half year, the credit to be afforded to his earned leave account at the commencement of the next half year shall be reduced by 1/10th of the period of such Extraordinary Leave and/or dies-non or, non-duty, subject to a maximum of 15 days.

Explanation:- In the case of the Government servant who is placed under suspension, the credit to be afforded to his earned leave account at the commencement of the next half year shall be reduced by 1/10th of the period of suspension. If the period of suspension is subsequently treated as duty or leave other than extraordinary leave, the earned leave account shall be recast.]

(7) While affording credit of earned leave fractions of a day shall be rounded off to the nearest day.

(8) If a Government servant is on leave on the last day of any half year he shall be entitled to the credit of earned leave on the first day of the succeeding half year provided the authority competent to grant him leave has reason to believe that the Government servant will return to duty on its expiry.

1. Substituted by No.FD 12 SRS 85 dated 10.6.1985 (wef 11.7.1985)

(9) Subject to the provisions of rule 107 and rule 110 the maximum earned leave that may be granted at a time shall be-

(a) One hundred and twenty days to a Government servant employed in India, or

(b) One hundred and eighty days to a Gazetted Officer if the entire leave so granted or a portion thereof which is not less than sixty days is spent outside India.

¹[(c) Two hundred and forty days leave preparatory to retirement.]

Note :- The provision of sub-rule (1) and sub-rule (2) shall apply to calculation of leave corresponding to earned leave under the old rules, applicable to a Government servant before 1st November 1956, in respect of those who continue to be governed by those rules.

¹[(d) A Government servant may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due, not exceeding two hundred and forty days.]

(10) Between the 1st July 1976 and 30th June 1978. the foregoing provisions of this rule shall be applicable with the following modifications, namely:-

(a) the credit of earned leave afforded shall be 30 days and 31 days in alternate calendar years. This shall be done in two instalments 15 days on the 1st January and 1st July every year except that on 1st July of an even year the credit shall be sixteen days.

(b) If a Government servant has during any half year taken leave other than earned leave, the credit to be, afforded to his earned leave account at the commencement of the next half year shall be reduced by one-eleventh of such leave.]

²[113. Earned Leave to Government servants serving in Vacation Department-(1)(a) The leave account of a Government servant serving in vacation department shall be credited in advance with earned leave in two instalments of 5 days each on the first day of January and July of every Calendar year.

1. Substituted by No. FD 9 SRS 87 dated 15-5-1987 (wef 21-5-1987)

2. Inserted by No. FD 2 SRA 93 dated 22-2-1995.(wef 1.7.1995)

(b) If a Government servant serving in vacation department has availed of any extraordinary leave and/or some period of absence has been treated as dies-non during a half year the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by 1/30th of the period of such leave and/or dies-non subject to a maximum of 5 days.

(c) The credit for the half year in which a Government servant serving in vacation department is appointed/ceases to be in service shall be allowed at the rate of 5/6th day for each completed month of service which he had rendered or is likely to render in the half year in which he is appointed/ceases to be in service.

(2) Subject to provisions of sub-rule (1), a Government servant serving in vacation department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation.

(3)(a) In respect of any year in which a Government servant avails himself of a portion of vacation, he shall be entitled to earned leave in such proportion of 30 days as the number of days of vacation not taken bears to the full vacation:

Provided that no such leave shall be admissible to a Government servant not in permanent employ or quasi-permanent employ in respect of the first year of service.

(b) If, in any year a Government servant does not avail himself of any vacation, earned leave shall be admissible to him in respect of that year under rule 112.

Explanation :- For the purpose of this rule, the term 'year' shall be construed as a period of twelve months of actual duty in a vacation department.

Note 1:- A Government servant entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forego such vacation or portion of a vacation.

Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

Note 2:- When a Government servant serving in a vacation department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty

rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date on which he completes the previous year of duty.

Note 3:- In the case of a Government servant serving in vacation department the earned leave if any, admissible under sub-rule (3) will be in addition to the earned leave admissible under sub-rule (1).

(4) Vacation may be taken in combination with or in continuation of any kind of leave under these rules ;

Provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the Government servant at a time under rule 112.

(5) The earned leave under this rule at the credit of a Government servant at the close of the previous half year, shall be carried forward to the next half year subject to the condition that the leave so carried forward plus the credit for the half year does not exceed the maximum limit of 240 days.

(6)(a) A Government servant transferred from a vacation department to a non-vacation department shall be entitled to earned leave at the rate of 5/6th day for every completed month of service from the half calendar year preceding such transfer till the date of transfer, from the date of transfer, he shall be entitled to earned leave under the rules applicable to the employees of non-vacation department.

(b) The credit of half pay leave for the half year in which a Government servant is transferred from a vacation department to non-vacation department shall be at the rate of 5/3 days per completed calendar month upto the end of the calendar year. From the commencement of the next half calendar year, the half pay leave shall be credited in advance in two instalments of ten days each on the first day of January and July of every calendar year, as the case may be.

7(a) A Government servant transferred from a non-vacation department to a vacation department shall be entitled to earned leave under the rules as applicable to persons of non-vacation department till the date of such transfer. From the date of transfer till the end of half calendar year, he shall be entitled to earned leave at the rate of 5/6th day for every completed month of service.

(b) If a Government servant is transferred before rendering a completed year of service in the non-vacation department from the date of last anniversary till the date of transfer, he shall be entitled to half pay leave at the rate of 5/3 days for every completed month of service.]

¹[114. ²(1) The half pay leave account of every Government servant (other than a government servant serving in a vacation department covered by rule 113 of the said rules) shall be credited with half pay leave in advance, in two instalments of ten days each on the first day of January and July of every calendar year.

(2)(a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half year of the calendar year in which he is appointed.

(b) The credit for the half year in which a Government servant is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month upto the date of retirement or resignation.

(c) When a Government servant is removed or dismissed from service or dies while in service, credit of half pay leave shall be allowed at the rate of 5/3rd days per completed calendar month upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.

(d) The period of suspension treated as dies-non or non-duty shall not be reckoned as service for the purpose of these rules.

(3) The leave under this rule may be granted on medical certificate or on private affairs.

Provided that in the case of Government servant not in permanent employ or quasi-permanent employ, no half pay leave shall be granted unless the authority competent to grant leave has reasons to believe that the Government servant will return to duty on its expiry except in the case of a Government servant who has been declared completely and permanently incapacitated for further service by a medical authority.]

1. Substituted by No.FD 91 SRS 78 dated 8-2-80 (wef 28-2-80)
2. Amended by No. FD 2 SRA 93 dated 22-2-95 (wef 1-7-95).

(4) Commuted leave not exceeding half the amount of half pay leave due may be granted on a medical certificate or on private affairs subject to the following conditions namely.-

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;

(b) when, commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;

(c) the maximum commuted leave on private affairs that may be granted at a time shall be 120 days. If commuted leave on private affairs is combined with earned leave, the total period should not exceed 180 days.

(5) Where a Government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service, or in the event of his death.

(6) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employ subject to the following conditions, namely.-

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;

(b) leave not due shall be limited to half pay leave he is likely to earn afterwards;

(c) leave not due during the entire service shall be limited to a maximum of 360 days out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate;

(d) leave not due shall be debited against the half pay leave the Government servant may earn subsequently:

Provided that in case of a temporary Government servant who is suffering from tuberculosis, leprosy, cancer or mental illness, leave not due may be granted for a period not exceeding 360 days

during his entire service subject to fulfilment of conditions in clauses (a), (b) and (d) of this rule and following further condition, namely.-

(i) the Government servant has put in a continuous service of not less than one year;

(ii) the post from which the Government servant proceeds on leave is likely to last till his return to duty; and

(iii) that the request for grant of such leave is supported by a medical certificate in the form prescribed in rule 182 issued by the Civil Surgeon of the District or the District Medical Officer or a Specialist in the concerned disease, not lower in rank than a Civil Surgeon/District Medical Officer and the certificate specifies that the Government servant has reasonable chances of recovery on the expiry of the leave recommended;

(7)(a) Where a Government servant who has been granted leave not due resigns from service or at his request is permitted to retire voluntarily from service without returning to duty the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave commenced and the leave salary already paid shall be recovered;

(b) Where a Government servant who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently:

Provided that no leave salary shall be recovered under the foregoing clauses of this sub-rule if the retirement is by reason of ill-health incapacitating the Government servant for further service or the Government servant is compulsorily retired under rule 285 or in the event of his death.

(8) For the purpose of this rule and rule 117, a Government servant who has rendered not less than five years of continuous service excluding the service as a local candidate and periods of suspension adjudged as penalty shall be considered as belonging to Permanent employ provided the Departmental Competent authority certifies that there is no prospect of his reversion or discharge.

¹[115, 116 xxx]

117(a) Extra-ordinary leave may be granted to any officer in special circumstances-

1. Deleted by No. FD 91 SRS 78 dated 8-2-80 (wef 28-2-80)

(i) when no other leave is by rule admissible; or

(ii) when other leave is admissible but the officer concerned applies in writing for the grant of extra-ordinary leave.

¹[(b) unless Government in view of the exceptional circumstances of the case otherwise determines, no Government servant who is not in permanent employ or quasi-permanent employ shall be granted extra-ordinary leave on any one occasion in excess of the following limits:-

(i) three months without medical certificate;

(ii) six months for common ailment where the Government servant has completed a continuous service of not less than one year on the date of expiry of leave of the kind due and admissible under these rules, including extra-ordinary leave of three months under clause (1) above and his request for such leave is supported by a medical certificate as required by these rules;

(iii) eighteen months, where the Government servant, who has completed a continuous service of not less than one year, including extra-ordinary leave of three months under clause (i) is undergoing treatment for cancer/mental illness/ pulmonary tuberculosis /pleurisy of tubercular origin/tuberculosis of any part of the body /leprosy, in Government institution or at his residence through such institution and his request for such leave is supported by a medical certificate in the form prescribed in rule 182 issued by the Civil surgeon of the District or the District Medical Officer, or a Specialist in the concerned disease, not lower in rank than a Civil Surgeon/District Medical Officer and the certificate specifies that the Government servant has reasonable chances of recovery on the expiry of the leave recommended;

(iv) two years for under-graduate/graduate/post-graduate courses and three years for doctorate courses, where the Government servant has completed a continuous service of not less than three years on the date of expiry of leave of the kind due and admissible under the rules, including the extra-ordinary leave of three months under clause (i) and applies for the leave for prosecution of higher studies, having a close bearing on his sphere of duty, provided that prior approval of Government is taken before sanctioning the leave.]

1. Substituted by No. FD 91 SRS 78 dated 18.2.1980 (w.e.f. 28.2.1980)

(c) Where a Government servant, who is not in permanent employ or quasi permanent employ, fails to resume duty on the expiry of the maximum period of extra-ordinary leave granted to him or where such a Government servant who is granted lesser amount of extraordinary leave than the maximum amount admissible remains absent from duty for any period, which together with the extra-ordinary leave granted exceeds three months. he shall, unless Government in view of the exceptional circumstances of the case otherwise determine, ¹[be liable to be dismissed or removed from service] ²[after following the procedure laid down in the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.]

(d) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

³[118(1) A Government servant who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on such leave.

Note:- 'Pay' for this purpose means the pay as defined in sub-rule (32) of rule 8 of these rules and the rate at which it is admissible immediately before the date of commencement of leave.

(2) Notwithstanding anything contained in the foregoing sub-rule, a Government servant may surrender a portion of earned leave and receive a cash equivalent of the leave salary therefor in accordance with the rules made in Annexure 'C'.

(3) A Government servant on half pay leave or leave not due shall be entitled to leave salary equal to half the amount specified in sub-rule (1).

(4) A Government servant on commuted leave shall be entitled to leave salary equal to the amount specified in the sub-rule (1).

(5) A Government servant on extra-ordinary leave is not entitled to any leave salary.

⁴[118-A (1) (a) Where a Government servant retires on attaining the normal age of retirement under the terms and conditions governing his service, the authority competent to grant leave shall suo-moto issue an order granting cash equivalent of leave salary for earned leave, if any, at the credit

1. Substituted by No.FD 57 SRS 65 dated 15-6-68

2. Substituted by No.FD 38 SRS 69 dated 21-5-1969

3. Substituted by No. FD 91 SRS 78. dated 8-2-80 (wef 28.2.80)

4. Substituted by No. FD 9 SRS 87 dated 15-5-1987 (wef 21-5-1987)