

THE KERALA PUBLIC SERVICE COMMISSION
(ADDITIONAL FUNCTIONS AS RESPECTS THE SERVICES UNDER LOCAL
AUTHORITIES) ACT, 1973

(Act 23 of 1973)

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THE KERALA PUBLIC SERVICE COMMISSION
(ADDITIONAL FUNCTIONS AS RESPECTS THE SERVICES UNDER LOCAL
AUTHORITIES) ACT, 1973*

(Act 23 of 1973)

An Act to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the services under certain local authorities.

Preamble.— WHEREAS it is expedient to provide for the exercise of certain additional functions by the Kerala Public Service Commission in respect of appointments of officers and servants of certain local authorities in the State of Kerala and their conditions of service;

BE it enacted in the Twenty-fourth year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Kerala Public Service Commission (Additional Functions as Respects the Services under Local Authorities) Act, 1973.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires, —

(a) “appointing authority” means the officer or authority empowered to make appointments to services and posts under a local authority;

(b) “Local authority” means a municipal corporation or a municipal council or a township committee or a Panchayat or a city improvement trust or any other authority by whatever name called, constituted under any law for the time being in force for the purpose of local self Government ¹[or a Town Planning Trust or a development authority constituted under the Town Planning Act (IV of 1108) or the Madras Town Planning Act, 1920 (VII of 1920) or under both and includes the Kerala State Rural Development Board constituted under the Kerala State Rural Development Board Act, 1971 (15 of 1971)];

(c) “Public Service Commission” means the Kerala Public Service Commission.

3. *Functions of the Public Service Commission in respect of services under local authorities.*—(1) Notwithstanding anything contained in any law relating to the recruitment and conditions of service of officers and servants of local authorities or any rule, bye-law or regulation made under any such law, the Public Service Commission shall be consulted—

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1 Substituted by the Act 15 of 1988 (w.e.f. 16th May, 1988).

(a) on all matters relating to methods of recruitment to services and posts under a local authority;

(b) on the principle to be followed in making appointments to services and posts under a local authority and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers; and it shall be the duty of the Public Service Commission to advise on any matter so referred to them:

Provided that the Government may make rules specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for the Public Service Commission to be consulted.

(2) In the case of any difference of opinion between the Public Service Commission and an appointing authority on any matter, the appointing authority shall refer the matter to the Government and the decision of the Government thereon shall be final:

Provided that the Government, before taking a decision against the advice of the Public Service Commission, shall refer the matter to the Public Service Commission.

4. *Power to make rules.*—(1) The Government may, in consultation with the Public Service Commission, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure to be followed by an appointing authority for consultation with the Public Service Commission;

(b) any matter which is incidental to, or necessary for, the purpose of consultation with the Public Service Commission;

(c) any matter for which rules have to be or may be, made under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.