

THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL FUNCTIONS AS
RESPECTS THE SERVICES UNDER THE KERALA ADMINISTRATIVE
TRIBUNAL) ACT, 2017
(ACT No. 17 OF 2017)

CONTENTS

Preamble.

Sections:

1. Short title and commencement.
 2. Definitions.
 3. Functions of the Public Service Commission in respect of services under the Tribunal.
 4. Power to make rules.
 5. Power to remove difficulties.
 6. Repeal and saving.
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ACT 17 OF 2017

THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL FUNCTIONS AS RESPECTS THE SERVICES UNDER THE KERALA ADMINISTRATIVE TRIBUNAL) ACT, 2017*

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

Preamble.— WHEREAS, it is expedient to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the services under the Kerala Administrative Tribunal;

BE it enacted in the Sixty-eighth 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 the Kerala Administrative Tribunal) Act, 2017.

(2) It shall come into force on such date¹ as the Government may, by notification in the Gazette, appoint.

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

(a) “prescribed” means prescribed by rules made under this Act;

(b) “Public Service Commission” means the Kerala Public Service Commission;

(c) “services” means the services under the Kerala Administrative Tribunal;

(d) “Tribunal” means the Kerala Administrative Tribunal constituted under sub-section (2) of section 4 of the Administrative Tribunal Act, 1985 (Central Act 13 of 1985).

3. *Functions of the Public Service Commission in respect of services under the Tribunal.*—(1) Notwithstanding anything contained in any Acts or rules regarding the recruitment and conditions of service of officers and employees of the Tribunal, it shall be the duty of the Public Service Commission to prepare select list, for appointment by direct recruitment, of all officers and employees of the Tribunal.

* Received the assent of the Governor on the 16th day of September, 2017 and published in the Kerala Gazette Extraordinary No. 1978 dated 16th September, 2017.

1 08.02.2018(vide S.R.O. No. 78/2018 published in the Kerala Gazette Extraordinary No. 313 dated 08.02.2018.

(2) The Tribunal shall consult the Public Service Commission,-

(a) as respects matters relating to direct recruitment to the posts under the services of the Tribunal;

(b) on the principles to be followed in making appointments by direct recruitment of the officers and employees of the Tribunal and on the suitability of candidates for such appointments.

(3) It shall be the duty of the Public Service Commission to advise on any matter as per sub-section (2), where the Public Service Commission shall be consulted:

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

(4) In the case of any difference of opinion between the Public Service Commission and the Tribunal on a matter to be consulted as per sub-section (2), the Tribunal 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, by notification in the Gazette make rules, in consultation with the Public Service Commission and the Tribunal 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 the Tribunal 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.

(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.

5. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette, make provisions not inconsistent with the provisions of this Act which appear to it to be necessary or expedient, for removing such difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made as per sub-section (1) shall, as soon as may be after it is made, be laid before the Legislative Assembly.

6. *Repeal and saving.*—(1) The Kerala Public Service Commission (Additional Functions as respects the services under the Kerala Administrative Tribunal) Ordinance, 2017 (16 of 2017) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

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