



KERALA

Judicial Services Exam

CIVIL JUDGE

High Court of Kerala

Paper - 3

Volume - 2



KERALA JUDICIAL SERVICES

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Kerala Civil Services Rules

KERALA CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1960

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

PART I GENERAL

1. Short title and commencement

- (1) These rules may be called the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960.
- (2) They shall come into force at once.

2. Interpretation. --- In these rules, unless the context otherwise requires.--

(a) 'Appointing Authority' in relation to a Government servant means--

- (i) The authority empowered to make appointments to the service, class or category of which the Government servant is for the time being a member: or
- (ii) The authority empowered to make appointments to the post which the Government servant for the time being holds: or
- (iii) The authority which appointed the Government servant to such service, class, category or post. as the case may be: or

Note :— Where the power of ' appointment is delegated to any authority, that authority will be deemed to be the Appointing Authority:

- (i) where the Government servant having been a permanent member of ' any other service, class or category or having substantively held any other permanent post. has been in continuous employment of the Government. the authority which appointed him to that service, class or category or to that post, whichever authority is the highest authority.
- (b) 'Commission' means the Kerala Public Service Commission:
- (c) 'Disciplinary Authority' in relation to the imposition of a penalty on a Government servant, means the authority competent under these rules to impose on him that penalty:
- (d) 'Government Servant' means a person who is a member of a service. State or Subordinate or who holds a civil post under the Kerala Government and
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includes any such person (in foreign service or whose services are temporarily placed at the disposal of any other Government Central or State-- or a local or other authority and also any person in the service of any other Government—Central or State— or a local authority whose services are temporarily placed at the disposal of the Kerala Government:

(e) 'Schedule' means the schedule to these rules:

(f) 'Services' means a group of persons classified by the State Government as a State or Subordinate Service, as the case may be.

Note:—Where the context so requires, 'service' means the period during which a person holds a post or is a member of a service as defined in these rules.

3. Application

(1) These rules shall apply to all Government servants, except.

(a) Persons belonging to the All India Services:

(b) Persons in casual employment:

(c) Persons subject to discharge from service without notice or on less than one month's notice: and

(d) Persons for whose appointment and other matters covered by these rules special provision is made by or under any law for the time being in force in regard to the matters covered by such law.

(2) Notwithstanding anything contained in sub-rule (1) these rules shall apply to every person temporarily transferred to a service or post coming within exception (c) in sub-rule (1) to him, but for such transfer these rules would apply.

(3) Notwithstanding anything contained in sub-rule (1) the Government may by order exclude from the operation of all or any of these rules any Government servant or class of Government servants.

(4) If any doubt arises

(a) Whether these rules or any of them apply to any person: or

(b) Whether any person to whom these rules apply belong to a particular service, the matter shall be referred to the Government whose decision thereon shall be final.

4. **Special provision by agreement**—Where it is considered necessary to make special provisions in respect of a Government servant inconsistent with any of these rules, the Government may, by agreement with such Government servant,

make such special provisions and thereupon these rules shall not apply to such Government servant to the extent to which the special provisions so made are inconsistent therewith.

5. **Protection of rights and privileges conferred by any agreement.** - Nothing in these rules shall operate to deprive any Government servant of any right or privilege to which he is entitled by the terms of any agreement subsisting between such person and the Government at the commencement of these rules.

PART II CLASSIFICATION

6. **Classification**-- The services, the members of which are subject to these rules shall be classified as follows:
- (i) The State Services; and
 - (ii) The Subordinate Services.
7. **State Services**—The State Services shall consist of the services included in Schedule 1.
8. **Subordinate Services.**—The Subordinate Services shall consist of the services included in Schedule II

PART III APPOINTING AUTHORITIES

9. **Appointing Authorities.** —All appointments to State and Subordinate Services shall be made by the Government:
- Provided that the Government may, by general or special orders or rules and subject to such conditions as they may specify, delegate to any other Authority the power to make such appointments.

PART IV SUSPENSION

10. **Suspension** ---
- (1) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Government in that behalf may at any time place a Government servant under suspension.
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- (a) Where a disciplinary proceedings against him is contemplated or is pending: or
- (b) Where a case against him in respect of any criminal offence is under investigation or trial:
- (c) Where final orders are pending in the disciplinary proceeding, if the appropriate authority considers that in the then prevailing circumstances it is necessary, in public interest, that the Government servant should be suspended from service.

Provided that the authority competent to place a member of 405 75 (jA) the Kerala Civil Judicial Service or the Kerala Criminal Judicial (lid. 24-s. 97S Service under suspension shall be the High Court of Judicature.

- (2) Where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the Appointing Authority. the circumstances in which the order was made.
 - (3) A Government servant who is detained in custody. whether on a criminal charge or otherwise, for a period exceeding forty eight hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Appointing Authority or in the case of members of the Kerala Civil Judicial Service or the Kerala Criminal Judicial Service by an order of the High Court of Judicature and shall remain under suspension until further orders.
 - (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
 - (5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which
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the penalty of dismissal, removal or compulsory retirement was originally imposed. the Government servant shall be deemed to have been placed under suspension by the Appointing Authority from the date from which he was originally dismissed, removed or compulsorily retired, as the case may be. and shall continue to remain under suspension until further orders.

- (6) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.
- (7) Whenever a Government servant is placed under suspension, he shall be paid such subsistence and other allowances admissible under the rules for the time being in force regulating such matters.

PART- V

DISCIPLINE

11. The nature of penalties

- (1) The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant. Namely:—
 - (i) Censure:
 - (ii) Fine (in the case of persons on whom such penalty may be imposed under these rules):
 - (iii) Withholding of increments or promotion temporarily for a specified period:

NOTE:

- (1) Temporary period of withholding of increments shall not be less than 3 months and the temporary period of withholding of promotion shall not be less than six months and both shall not be for more than three years. If the period is not specified in the order it will be deemed to be 3 months in the case of temporary withholding of increments and 6 months in the case of temporary withholding of promotion. Temporary withholding of increments shall mean withholding of increments without cumulative effect i.e., it shall not have the effect of postponing future increments.
 - (2) In case the order of withholding of increments cannot be given effect to the monetary value equivalent to the amount of increments ordered to be withheld will be recovered from the pay of the officer.
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If the officer retires from service before the recovery could be effected, the amount will be recovered from his pension or Death-corn-Retirement Gratuity.

- (3) Withholding of promotion shall not entail loss of seniority in that grade.
 - (4) An Officer whose promotion is withheld, shall, if and when promoted to a higher grade or higher time scale subsequently, on promotion, take his place at the bottom of the higher grade or higher time scale.
- (iv) (a) Recovery from pay of the whole or part of any pecuniary loss caused to a State Government or the Central Government or to a local authority by negligence or breach of orders
- (v) Reduction to a lower rank in the seniority list or to a lower grade or post or time scale ' hether in the same service or in another service. State or Subordinate, or to a lower stage in a time scale:

Note:--

- (I) The period of reduction shall not be less than six months and not more than five years. If the period is not speci tied in the order, the period of reduction shall be deemed to be six months:
Provided that in the case of reduction of tank in the (o seniority list, such reduction shall be permanent.
 - (IA) Reduction to a lower grade or post shall be to the grade or the post immediately lower to the grade or the post held by the officer, but not to a grade or post lower than the grade or post to which he was initially appointed.
 - (2) Reduction to a lower stage in the time scale can be with or without the effect of postponing future increments. If no mention is made in this regard in the order of reduction, the reduction shall be deemed to be without the effect of postponing future increments.
 - (3) An order of reduction to a lower post or to a lower time scale shall entail loss of seniority.
 - (4) An officer so reduced shall take hit place in the lower grade or in the lower time scale at the top of the list ut o1icers in that grade
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or time scale. He shall be considered for promotion on the completion of the specified period of reduction. On promotion, he shall take his place at the bottom of the higher grade or higher time scale.

- (5) The previous service in the higher grade or time scale of a (lovertiment servant who has been reduced to a lower post 01 lower time scale shall on re-promotion to the higher grade or higher time scale count for increments, only subject to the provisions of Rule 36 of the Kerala Service Rules, Part I. Regulation 98 of the Travancore Service Regulation. Regulation 45 of the Cochin Service Regulations or Rule 29 of the Fundamental Rules. Madras, as the case may be.
- (6) Where the penalty of reduction to a lower stage in a time scale cannot be given effect to or becomes inoperative, the monetary value equivalent to the amount of reduction ordered shall be recovered from the pay of the officer and in case. the officer retires from service before the amount could be recovered, the same may be recovered from his pension or Death-cum-Retirement Gratuity.

(VA) Withholding of increments with cumulative effect

Note:--- "The minimum period of permanent barring of increment shall not be less than one year and the maximum period shall not be more than three years. Permanent barring of increment shall mean withholding of increment with cumulative effect namely: it' shall have the effect of postponing future increments."

Explanation: - In case stoppage of increment with cumulative effect cannot be given effect to, the monetary value equivalent to three times the. amount of increments ordered to be withheld will be recovered.

- (vi) Compulsory retirement:
- (vii) Removal from the Civil Service of the State , Government which shall not be a disqualification for future employment unless otherwise directed specifically: 1) isntissal from the Civil Service of the State Government which shall ordinarily be a disqualification for future empboyniciit:
- (viii) Reduction of pension

Note:---The penalty of reduction of pension shall he imposed in such a manner that pension will not be reduced to nothing or to a nominal amount.

Explanation:---The following shall not amount to a penalty within the meaning of this rule.

- (i) Withholding of increments of a Government servant for failure to pass a departmental examination or consequential to the extension of probation in accordance with the rules or orders governing the service or post or the terms of his appointment:
 - (ii) Stoppage of a Government servant at the efficiency bar in the time-scale on the ground of his untitnes to cross the bar:
 - (iii) Non-promotion whet her in an officiating or substantive capacity of a Government servant, after consideration of his case. to a higher grade or post. fir promotion to which he is eligible:
 - (iv) Reversion to a lower service, category. class, grade or post of a Government servant ot'ficiating in a higher service, category. class, grade or post on the ground that he is considered, after trial. to he unsuitable for such higher service. category. class. grade or post or on administrative ground,, unconnected with his conduct:
 - (v) Reversion to his previous service. category. class. grade or post of a Government servant appointed on probation to another service. category. class, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation:
 - (vi) Replacement of the services of a Government servant whose services have been borrowed from the Central Government or another State Government or a local authority at the disposal of the authority which had lent his services:
 - (vii) Compulsory retirement of a Government servant in accordance with the provisions relatintz t) his superannuation or retirement:
 - (viii) Termination of services.—
 - (a) of a Governuient servant appointed on probation. during or at the end of the prcsc ri bed or extended period of probation, in accordance with the terms of his appointment or the Rules and orders governing probation: or
 - (b) of a Government servant employed under agreement. in accordance with the teniis of such agreement: or
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(c) of a Government servant appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of his appointment: or

(d) of a Government servant under Rule 24. Part I. Kerala Service Rules: or

(e) of a Government servant under Rule 96 A. Part I. Kerala Service Rules.

(2) The penalty of fine as such shall be imposed only on members of the Kerala Last Grade Service, members of the Kerala Part-time Contingent Service. Warders of the Jail Department and Villagers. The infliction of very heavy fines and frequent infliction of small fines shall be avoided.

Note:---Sub-rule (2) of this rule shall be deemed to have come into force with effect on and from the 1st day of January, 1966

12. Imposition of special penalties in certain cases.

Notwithstanding anything contained in Rule 11 any of the penalties mentioned in column (2) of the Appendix to these rules may be imposed on the holders of the posts in the Kerala Jails Service and the Kerala Jails Subordinate Service, specified in the corresponding entry in column (I) by the authorities specified in the corresponding entry in column (3) thereof.

13. Disciplinary Authorities.

(1) The Government may impose any of the penalties specified in items (i) and (iii) to (viii) of rule 11(1) on members of the State Services:

Provided that the authority competent to impose the penalties specified in items (i). (iii). (iv). (v). (VA). and (viii) of sub-rule (I) of rule II on the members of the Kerala Civil Judicial Service other than Munsiffs, or the members of the Kerala Criminal Judicial Service other than Judicial Magistrates of the Second class, shall be the High Court:

Provided further that the authority competent to impose the penalties specified in items (vi). (vii) and of sub-rule (1) of rule 11 on District Judges or Munsiffs or Judicial Magistrates of the Second class shall be the Governor:

Provided also that the Governor shall exercise the power conferred by the foregoing proviso after obtaining a report by the High Court:

Provided further that in the case of Tahsildars in the Revenue Department, the authority competent to impose the penalties specified in items (i), (iii), (iv), (v) and (VA) of sub-rule (I) of the Rule 11 shall be the Collector of the District concerned and the authority competent to impose the penalties specified in items (vi), (vii) and (viii) of the said subrules shall be the Collector of Revenue:

Provided further that in the case of Assistant Public Prosecutors Grade II, the authority competent to impose the penalties of censure, withholding of increments, or promotions temporarily and recovery from pay specified in Rule II (1) shall be the Collector of the District concerned:

Provided further that the Government may by general or special order, delegate to Heads of Departments, Collectors or other authorities as may be specified by the Government in the order, their power to impose the penalties of

- (a) Censure and
 - (b) Withholding of increments, temporarily, on all members of the State Services serving under them and in the case of the members of the State Services holding the lowest ranks, serving under them, in addition to the above penalties, the penalties of
 - (c) recovery from pay of the whole or part of any pecuniary loss caused to a State Government or the Central Government or to a local authority by negligence or breach of orders.
 - (d) recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld where such an order cannot be given effect to,
 - (e) subject to -
 - (1) The condition that from the orders passed by Heads of Departments, Collectors or other authorities in exercise of the powers so delegated, a revision shall lie to the Government.
 - (2) The condition that such delegation shall not enable the Heads of Departments, Collectors or other authorities so empowered to impose the punishment of recovery from pay in cases where they are not
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competent to impose the said penalty on any member of a subordinate service working under them, and any other condition as may be specified in the order:

Provided further that-

(a) in the case of District Supply Officers. City Rationing Officers. Special Iahsildars and Superintendents of the Civil Supplies Department, the authority competent to impose the penalty specified in items (v). (VA) of sub-rule (I) of Rule II 60,01) shall be the Director of Civil Supplies Commissioner of Civil - P.\IO) Supplies and the authority competent to impose the penalties specified in items (vi). (vii) and (viii) of sub-rule (I) of Rule 11 shall be the Board of Revenue and

(b) in the case of District Supply Officers. Assistant Secretaries and the Officers of the rank of District Supply Officers in the Civil Supplies Department, the authority competent to impose the penalties of censure and withholding of increments temporarily, and the penalty specified in item (iv) of sub-rule (I) of Rule II shall be the Board of Revenue:

Provided further that in the case of Superintendents. Circle Inspectors and Managers of the Kerala Excise and Prohibition Service, the authority competent to impose the penalties specified in items (i), (iii), (iv), (v), (vA). (vi). (vii) and (viii) of sub-rule (I) of Rule II shall be the Board of Revenue:

Provided also that any of the penalties specified in column (1) of the Table below may be imposed on the Sales Tax Officers G.O.M in the Agricultural Income Tax and Sales Tax Department by the authority specified in the corresponding entry in column (2) thereof:

(1a) The authority which may impose the penalty of reduction of pension on a member of a State Service or of a Subordinate Service shall be the Government or the authority competent to sanction the pension of the officer.

(2)

- (a) The authority which may impose the penalties of
- (i) Censure
 - (ii) Fine
 - (iii) Withholding of increments temporarily on a member of Subordinate Service shall be his immediate superior Gazetted Officer or any higher authority.
- (b) The authority which may impose the penalties of
- (i) Recovery from pay:
 - (ii) Withholding of promotion temporarily:
 - (iii) Reduction to a lower rank in the seniority list or to a lower grade or post or time-scale, whether in the same service or in another service, or to a lower stage in a time-scale:
 - (iiiA) Withholding of increments with cumulative effect
 - (iv) Compulsory retirement:
 - (v) Removal from the Civil Service of the State Government: and
 - (vi) Dismissal from the Civil Service of the State Government: on a member of a Subordinate Service shall be the appointing authority or any higher authority:

Provided that the District Collectors in their respective jurisdictions shall be competent to impose the punishments specified in this clause on the members of the subordinate services employed in the Harijan Welfare Department. other than those employed in the Office of the Director of Harijan Welfare:

Provided further that the District Collectors in their respective jurisdictions shall be competent to impose the penalties specified 234 74 111) in clauses (a) and (h) of this sub-rule except penalties specified in (lid. I 2-9-1974 items (v) and (vi) of clause (h) on member-, of the Subordinate Services employed in the Civil Supplies Department. other than those employed in the Office of the Board of Revenue (Civil Supplies).

Provided also that the District Collectors in their respective jurisdictions shall be competent to impose the penalties specified 2S 112 i' & \I(I) in items (i). (ii). (iii) and (iiiA) of clause (b) on I)eputv Tahsildars:

Provided also that the District Collectors in their respective jurisdictions shall be competent to impose penalties specified in items (i), (iii), (iv), (v) and (VA) of sub-rule (I) of rule 11 on members of the Kerala Revenue Ministerial Subordinate Service:

Provided also that the District Collectors in their respective jurisdictions shall be competent to impose the penalties specified in this clause on members of the Subordinate Services of the Survey and, Land Records Department who are under their administrative control:

Provided also that the District Collectors in their respective jurisdictions shall be competent to impose the penalties specified in clause (a) and items (i) and (ii) of clause (1,) of this sub-rule on members of ' the Subordinate Services working under the Tahsildar Land Tribunals:

Provided also that the Deputy Commissioners of the Agricultural income Tax and Sales tax Department shall be competent to impose the penalty of withholding of promotion and the penalties specified in items (iv), (v), and (vA) of sub-rule (1) of rule II on the Assistant Sales Tax Officers working under them:

Provided also that the Director of Coir Development and the Director of Handlooms shall be competent to impose the penalty specified in item (i) of clause: (b) of this sub-rule on members of the Subordinate Services working under them.

- (3) Where in any case a higher authority has imposed or declined to impose a penalty under this rule, a lower authority shall have no jurisdiction to proceed under this rule in respect of the same case.
 - (4) The order of a higher authority imposing or declining to impose in any case a penalty under this rule shall supersede any order passed by a lower authority in respect of the same case.
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14. Authority to impose penalty when promoted or transferred.

- (1) Where on promotion or transfer. a member of a service in a class, category or grade is holding an appointment in another class, category or grade thereof or in another service. State or Subordinate, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of' the service in the latter class, category, grade or service. as the case may be.

- (2) Where a person has been reverted or reduced from a State to a Subordinate Service, or from one service to another or from one class, category or grade of a service to another class. category or grade thereof. no penalty shall be imposed upon him in respect of' his work or conduct while he was it member of the service, class, category or grade. as the case may be. from which he was reverted or reduced. except by an authority competent to impose the penalty upon a member of such service. class. category or grade, as the case may be.

14A. Authority to impose punishment on members appointed from the service of Local Authority

Where a person in the service of a Local Authority is appointed in Government service, it shall be law fiil to impose on hint penalties under these rules in respect of his work or conduct while he was a member in the service of it local Authority, by an authority competent to impose such penalties on a Government servant of the same service, class, category or the grade to which he is appointed or subsequently promoted.

14B. Notwithstanding anything contained in rule 13. where disciplinary proceedings against a member of' any service. transferred ti'oin a post under one disciplinary authority to a post under a different disciplinary authority becomes necessary in respect of any act or omission oii his part while serving in the former post. such disciplinary proceedings may also be initiated and or continued and any penalties specified in items (J) to (iv) of rule I I (1) imposed by the authority who would have been competent but for his transfer to initiate or continue the proceedings. The authority so initiating or continuing such disciplinary proceedings shall intimate the fact thrthwith to the
