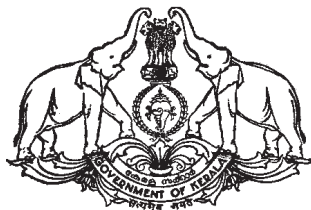


Section II

RECRUITMENT OF PUBLIC SECTOR PERSONNEL



ACT 19 OF 1970

THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL FUNCTIONS AS RESPECTS CERTAIN CORPORATIONS AND COMPANIES) ACT, 1970.

An Act to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the services of certain Corporations and Companies

Preamble :- WHEREAS it is expedient to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the services of certain Corporations and Companies;

Be it enacted in the Twenty-first 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 certain Corporations and Companies) Act, 1970.

(2) It shall come into force at once.

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

(a) “Corporation” means the Kerala State Financial Corporation established under section 3 of the State Financial Corporations Act, 1951 (Central Act 63 of 1951) or the Kerala State Warehousing Corporation established under section 18 of the Warehousing Corporation Act, 1962 (Central Act 58 of 1962) or the Kerala Khadi and Village Industries Board established under section 4 of the Kerala Khadi and Village Industries Board Act, 1957 (Act 9 of 1957);

(b) “Government Company” means a company as defined in section 3 of the Companies Act, 1956 (Central Act I of 1956), in which not less than fifty-one percent of the paid-up share capital is held by the Government of Kerala;

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

3. *Functions of the Public Service Commission in respect of services of certain Corporations and Companies:-* (1) A Corporation may consult the Public Service Commission –

(a) on all matters relating to the methods of recruitment of the officers and other employees of that Corporation;

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

(2) The Board of Directors of a Government Company may consult the Public Service Commission –

(a) on all matters relating to the methods of recruitment of the employees of that Government Company;

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

Explanation – In this sub-section “employee” shall not include any director, managing agent, secretary and treasurer, manager or secretary of the Government Company.

(3) Where the Public Service Commission is consulted on any matter under sub-section (1) or sub-section (2), it shall be the duty of the Public Service Commission to advise the Corporation or the Board of Directors of the Government Company, as the case may be, on that matter.

(4) In the case of any difference of opinion between the Public Service Commission and the Corporation or the Board of Directors of the Government Company, as the case may be, on any matter, the Corporation or the Board of Directors 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 Commission.

4. *Power to make rules* :- (1) The Government may, in consultation with the Public Service Commission, the Corporations and the Boards of Directors of the Government Companies, 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 the Corporations and the Boards of Directors of the Government Companies 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, for 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 maybe; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. Repeat and saving. – (1) The Kerala Public Service Commision (Addtional Functions as respects certain Corporations and Companies) Ordinance, 1970 (17 of 1970), is here by repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 10th day of September, 1970.