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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA
Taxes (F) Department
NOTIFICATION

G. O. (P) No.178/2015/TD.

Dated, Thiruvananthapuram, 3rd October, 2015.

S. R. O. No. 669/2015.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Special Rules for the Kerala Excise and Prohibition Subordinate Service issued by notification under G. O. (P) No. 112/74/TD dated 9th September, 1974 and published as S.R.O. No. 689/74 in Part I of the Kerala Gazette No. 39 dated 24th September, 1974, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Excise and Prohibition Subordinate Service (Amendment) Special Rules, 2015.

“(2) The rules except Rule 2 (4), shall be deemed to have come into force with effect from 1st January 2015”.

2. *Amendment of the Rules.*—In the Special Rules for the Kerala Excise and Prohibition Subordinate Service,—

(1) in rule 2,—

(a) for the entries, proviso and the Notes in column (2) against the category “1. Excise Inspectors” in column (1), the following entries, provisos and Notes shall, respectively, be substituted, namely:—

“(1) Promotion from category 1A:

(2) Direct recruitment.

Provided that the ratio of promotion and direct recruitment shall be in the ratio 1:1. Direct recruitment shall be from open quota and also from categories 1A, 2 and 3. Ten percent of the vacancies for appointment by direct recruitment shall be reserved for appointment from categories 1A, 2 and 3:

Provided further that in the absence of sufficient number of suitable candidates for appointment by direct recruitment from categories 1A, 2 and 3, such vacancies shall be filled up from among the candidates by direct recruitment from open quota.

Note 1:—Recruitment to the post by direct recruitment and direct recruitment from approved probationer in any one of the categories 1A, 2 and 3 shall be made by the Kerala Public Service Commission. The rules regarding communal reservation and rotation will not be applicable to Direct Recruitment for 10% vacancies from category 1A, 2 and 3.

Note 2:—For the purpose of appointment by promotion, the category of Excise Inspectors shall be a selection category.

Note 3: - While making appointment, every second turn shall be from direct recruitment, subject to maximum of 50% of the cadre strength.

Note 4: - While following the ratio of direct recruitment every 10th turn of direct recruitment within a slot of 10 vacancies earmarked for direct recruitment shall be from among the candidates belonging to categories 1A, 2 and 3."

(b) the Note and proviso below the entry against the category "1A. Assistant Excise Inspector" shall be omitted;

(c) against the category 2, the existing Note shall be numbered as *Note 1* thereof and after *Note 1* as so numbered, the following *Note* shall be added, namely:--

"*Note 2:*---The officers in service as on the date of commencement of the Kerala Excise and Prohibition Subordinate Service (Amendment) Special Rules, 2015 having a minimum qualification of S. S. L. C. shall be eligible for promotion.";

(d) for the category "3. Excise Guards/Woman Excise Guards" in column (1), the following category shall be substituted, namely:--

"3. Civil Excise Officer"/Women Civil Excise Officer.

(c) after category 4,---

(i) after the first proviso, the following proviso shall be inserted, namely:--

(ii) "Provided that in all cases of direct recruitment under these rules, the N. C. C. Certificate holders having 'A', 'B' and 'C' categories will be given weightage of marks at the rate of 2%, 3% and 5%, respectively.";

the existing second proviso, shall be deleted and the following shall be inserted, namely:--

(iii) in the case of direct recruitment to the post of Driver, only male candidates shall be eligible and in all other categories except Driver for by promotion or by transfer appointment; male and female candidates shall be eligible.

the following proviso shall also be inserted, namely:---

(iv) "Provided also that the posts of Excise Inspectors and Civil Excise Officers/Women Civil Excise Officers shall be training posts and the usual conditions in respect of training posts shall be followed for those selection. The successful completion of the training will be a pre-requisite qualification for the above posts.";

(2) for rule 4, Age—No person shall be eligible for appointment by direct recruitment, the following rule shall be substituted, namely:---

(i) To categories 1, 1A, 2 and 3 if he has completed 31 years of age or if he has not completed 19 years of age on the first day of January of the year in which applications for appointments are invited (As the age enhanced by 1 year).

(ii) "Provided that the maximum age limit for direct recruitment from categories 1A, 2 and 3 as Excise Inspector through Kerala Public Service Commission shall be 45 years.

(iii) To category 4 if he has completed 39 years of age or if has not completed 21 years of age on the first day of January of the year in which applications for appointment are invited (by raising 1 year age)"

(3) in the Table below rule 5,---

(a) against the category "1. Excise Inspector" in column (1),---

(i) against the entry "(2) Promotion" in column (2), for the letters and word "S. S. L. C. standard" in column (3), the words "Pass in Plus-Two Examination or its equivalent" shall be substituted;

(ii) the existing *Note* shall be numbered as *Note 1* and in *Note 1* as so numbered, in the last sentence, after the words "The person appointed", the words "by promotion" shall be inserted;

(iii) after '*Note 1*' as so numbered, the following Note shall be inserted, namely:---

"*Note 2*:—The officers in service as on the date of commencement of the Kerala Excise and Prohibition Subordinate Service (Amendment) Special Rules, 2015 having a minimum qualification of S. S. L. C. standard shall be eligible for promotion.";

(b) against the category “2. Excise Preventive Officers” in column (1), in the entries in column (3),

(i) in item (1), for the letters and word “S. S. L. C. standard”, the words “Plus-Two Examination or its equivalent” shall be substituted;

(ii) to item (1), the following proviso shall be added, namely:---

“Provided that the officers in service as on the date of commencement of the Kerala Excise Prohibition Subordinate Service (Amendment) Special Rules, 2015 who have put in service for a period of not less than three years as Civil Excise Officers/Women Civil Excise Officers if he/she possesses the minimum educational qualification of S.S.L.C. standard and at least seven years of such service in the case of those who do not possess S.S.L.C. standard shall be eligible for promotion.”;

(c) for the category “3. Excise Guards/Women Excise Guards” in column (1) the following category shall be substituted, namely:---

“3. Civil Excise Officer”;/Women Civil Excise Officer.

(d) against the category “3. Civil Excise Officers” in column (1), after item (3) in column (3), the following item with the proviso and Note thereunder shall be inserted, namely:---

“(4) Must have qualified in the endurance test of two kilometres race within 13 minutes in the case of men Civil Excise Officer and two kilometres race within 15 minutes in the case of Women Civil Excise Officer, conducted by the Kerala Public Service Commission. The appointment to the post shall be on completion of a successful training by the candidate:

Provided that in the case of appointment under Compassionate Employment Scheme, the test shall be conducted by a Committee consisting of Additional Excise Commissioner (Enforcement), Additional Excise Commissioner (Administration) and the Principal, State Excise Academy and Research Centre, Thrissur.

Note 3:—The candidates to be appointed under the Compassionate Employment Scheme shall also have the physical qualifications as stated above.”;

(c) against the category “4. Drivers” in column (1),—

(i) for item (1) and the entry against it in column (3), the following item and entry shall be substituted, namely:—

“(1) Must have passed S.S.L.C. or its equivalent.”;

(ii) in the *Note* under item (1), for the words, letters and bracket “Pass in Standard VII (new)”, the words and letters “Pass in S. S. L. C.” shall be substituted.;

(4) in rule 6,—

(a) in sub-rule (1), the following sentence shall be added at the end, namely:—

“Failure to pass the Tests will be a bar for future promotion and increment.”;

(b) in the Table under sub-rule (1), for the category “Excise Preventive Officer” in column (1) and the entries against it and the Notes there under in column (2), the following category, entries and Note shall, respectively, be substituted, namely:—

“Civil Excise Officers/Women Civil Excise Offices—(1)
Manual of Office Procedure.

(2) The candidates appointed under the Compassionate Employment Scheme shall pass the physical efficiency test also conducted by the State Excise Academy and Research Centre, Thrissur.”;

(c) in the Table under sub-rule (2) against the category “Excise Preventive Officers” in column (1), for the entries and Note 1 below it, the following entries and Note shall be substituted, namely:—

“(1) Excise Test Part A -Paper I & Part B---Paper III

(2) District Office Manual/Manual of Office Procedure.

Note 1:---The Clause (c) under sub-rule (4) shall take effect from 20th August, 2011.

(5) in rule 7,---

(a) in sub-rule (1), for the words “Additional Secretary (Excise)”, the words “Additional Excise Commissioner (Administration)” shall be substituted;

(b) in sub-rule (2), for the proviso, the following proviso shall be substituted, namely:---

“Provided that the appointing authority in respect of categories (2), (3) and (4) working in the offices of the Commissioner of Excise, Additional Excise Commissioners, Joint Excise Commissioners, Deputy Excise Commissioners, Deputy Excise Commissioner [Headquarters of Kerala State Beverages (Manufacturing and Marketing) Corporation Limited], Deputy Excise Commissioner (Canteen Stores Department), Assistant Excise Commissioner (Excise Intelligence and Investigation Bureau) and Excise Division Offices which constitute the “Special Unit” shall be Additional Excise Commissioner (Administration) and in respect of these categories working in the Excise Enforcement and Anti-Narcotic Special Squads shall be the Joint Excise Commissioner in charge of the zone concerned.”.

(6) in rule 8, after clause (b), the following *Note* shall be inserted, namely:---

Note:---In the case of persons appointed by direct recruitment or by transfer and are continuing in uniformed post of Excise Department, the period spent for basic pre service training shall be counted for probation and increment [in tune with G. O. (Ms.) No. 185/2011/Home dated 22-8-2011 sanctioning increment and other service weightage to Police personnel].

(7) in rule 9,—

(a) for the marginal heading “*Training*”, the marginal heading “*Training, Examination and Stipend*” shall be substituted;

(b) for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Every person appointed to category (1) by direct recruitment shall be treated as Excise Inspector trainee and he shall not be appointed in the substantive post till the successful completion of the basic training for a period of not less than twelve months, as may be decided by the Commissioner of Excise. Every person appointed to category (2), by transfer or under the Compassionate Employment Scheme shall, immediately after their appointment, undergo such training for a period of not less than six months, subject to the minimum of 180 working days, as may be decided by the Commissioner of Excise. Every person appointed to category (3) by direct recruitment or by transfer or under the Compassionate Employment Scheme shall be treated as Civil Excise Officer/Women Civil Excise Officer trainee and he/she shall not be appointed in the substantive post till the successful completion of basic training for a period of not less than six months, subject to the minimum of 180 working days, as may be decided by the Commissioner of Excise. Persons undergoing basic training shall be paid stipend as may be fixed by the Government, from time to time. All the persons who did not undergo basic training will be placed under orders of training within a period of two years and those who did not successfully complete the basic training shall not be considered for future promotions.”;

(c) in sub-rule (2),—(i) for the words “deputed for training”, the words “deputed for basic training” shall be inserted;

(ii) for the words and bracket “Board of Revenue (Excise)”, the words “Commissioner of Excise” shall be substituted;

(iii) the following provisos shall be inserted, namely:—

“Provided that it shall not be necessary for officers exceeding 50 years of age to undergo any physical training and officers exceeding 45 years of age to undergo training in swimming:

Provided further that, if by reason of accident or major diseases an officer upon giving an opportunity to undergo training cannot undergo such training, the Training Committee may grant him temporary exemption subject to such conditions as may be decided by the Training Committee after considering the facts. The Training Committee shall consist of the Additional Excise Commissioner (Enforcement) as Chairman and the Additional Excise Commissioner (Administration), the Principal, State Excise Academy and Research Centre, as members.”;

(8) in rule 10,---

(a) after the words “Excise Inspectors”, the words “and Assistant Excise Inspectors” shall be inserted;

(b) for the proviso, the following proviso shall be substituted, namely: --

“Provided that the offices of the Commissioner of Excise, the Additional Excise Commissioners, the Joint Excise Commissioners, the Deputy Excise Commissioners, the Deputy Excise Commissioner [Headquarters of Kerala State Beverages (Manufacturing and Marketing) Corporation Limited], the Deputy Excise Commissioner (Canteen Stores Department), the Assistant Excise Commissioner (Excise Intelligence and Investigation Bureau) and Excise Division Offices shall constitute a separate Special Unit. The staff to be posted in the offices constituting the Special Unit shall be drawn from the State/Divisional Units for a minimum period of 3 years, based on seniority, retaining their lien in their parent units, by rotation.”;

(9) in rule 11,---

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Transfer and posting of all persons, except categories 1 and 1A, from one unit to another within the Excise Division shall be made by the Deputy Commissioner of Excise in-charge of the Excise Division concerned.”;

(b) for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) Transfer and posting from one Excise Division to another Excise Division and to and from the special unit shall be made by the Additional Excise Commissioner (Administration).”;

(c) the Note to sub-rule (2) shall be omitted.

By order of the Governor,

DR. W. R. REDDY, IAS,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In order to give sufficient opportunity for promotion to the Civil Excise Officers/Women Civil Excise Officers, who were hitherto known as ‘Excise Guards/Women Excise Guards as per G. O. (P) No. 113/2008/ID dated 4th June, 2008, the direct recruitment to the post of Preventive Officers have been stopped and the ratio for direct recruitment and promotion to the post of Excise Inspectors is made as 1:1. But, the total strength of the Excise Inspectors in the Excise Department is meagre when compared with the strength of the Preventive Officers and Civil Excise Officers/Women Civil Excise Officers. Hence, the opportunity of promotion from the cadre of Preventive Officer become meagre, which causes dissatisfaction among the qualified Civil Excise Officers/Women Civil Excise Officers and Preventive Officers. It is, therefore felt that this requires Amendment setting apart the 10% of the direct recruitment for the qualified Civil Excise Officers/Women Civil Excise Officers, Preventive Officers and the Assistant Excise Inspectors in service, with effect from

this Special Rules brought into force. It has been decided that the vacancies in the cadre of Excise Inspector which arises on or after the publication of this Special Rules shall be filled up or reserved to be filled up in the ratio 10:9:1. Provided the rotation shall be continued till the direct recruitment reaches 50% of the cadre strength and thereafter the vacancies shall be filled up from their respective quota.

Due to the amendment of the Kerala Abkari Act (Act 1 of 1077) by Act 16 of 1997, most of the offences under the Act are cognizable with major punishment of imprisonment for a term which may extend to ten years and with fine which shall not be less than rupees one lakh and such offences are to be investigated and charge sheeted before the Sessions Court in accordance with the provisions of the Code of Criminal Procedure, 1973. Hence, the duties and responsibilities of the employees in the Excise Department have been increased. The post of Excise Inspector is a key post in the Excise Department having vast responsibilities and duties including administration of range offices, detection of offences, investigation and charge sheeting of abkari cases etc. Moreover, the Excise Inspector is having the responsibilities of a drawing and disbursing officer. In order to increase the efficiency of Excise Inspectors, for the candidates directly appointed, a period of not less than 12 months training immediately after their appointment is prescribed and they are to be treated as Excise Inspector Trainees and will be posted in the substantive posts, only after successful completion of training.

The Assistant Excise Inspectors are having the responsibilities same as that of Excise Inspectors as fixed by the notification published as S.R.O. No. 361/2009 dated 8th May, 2009. The Excise Inspectors have to be well conversant with Abkari Act and other enactments and the Rules made under such Acts, the Manual of Office Procedure etc. So it is also decided to give training.

The Excise Preventive Officers are considered as head of the Basic Unit and primary enforcement officers and the functions of Excise Preventive Officers are to administer the Abkari Laws and also to work at offices. As they are expected to acquire the qualification to pass Excise Test Part A and B, Manual of Office Procedure instead of passing Preventive Officer Test before promotion as Excise Preventive Officers, the above tests are introduced for promotion. A training has also been introduced to them also.

Civil Excise Officers/Women Civil Excise Officers are usually entrusted with office work at Excise Range Offices and Excise Circle Offices. Hence, it is necessary to pass Manual of Office Procedure for the declaration of probation. They will also be part to a training programme and they are to be treated as Civil Excise Officer/Women Civil Excise Officer trainee and will be appointed in the substantive posts only after successful completion of training.

As per G. O. (Ms.) No. 112/2007/H.Edn. dated 21st August, 2007, Government have ordered that the NCC Certificate holders holding the 'A', 'B', 'C' certificates should be given weightage of marks at the rate 2%, 3%, 5% respectively, for selection to the uniformed forces in the Departments of Police, Excise, Jail, Forest, Fire and Rescue Services, by amending, the Special Rules of the Departments concerned. Hence, it has been decided to incorporate the same in the Special Rules for the Kerala Excise and Prohibition Subordinate Services. For better discipline and enforcement work, it is decided to give training for a period not less than six months to the employees, in order to motivate Excise personnel to perform better in service.

The Kerala Public Service Commission has advised to modify the minimum eligibility, training and other conditions of the service of the post of Civil Excise Officers/Women Civil Excise Officers at par with similar post of Fireman and Forest Guard so that a unified recruitment process can be done. After taking into consideration of the advice of the Kerala Public Service Commission, Government have decided to fix Plus Two as

the basic educational qualification for the post of Civil Excise Officer/Women Civil Excise Officer and introduced an endurance test as a pre-test for the selection procedures. In addition to the above, some other consequential amendments are also proposed in view of the abolition of the Board of Revenue and upgradation of certain posts.

In view of the recommendation of Kerala Public Service Commission, Government have ordered that Civil Excise Officers/Women Civil Excise Officers in Excise Department should pass the Excise Test Part A—I & II Papers, Part B—III Paper and District Office Manual/Manual of Office Procedure for promotion to the post of Preventive Officers as per G. O. (P) No. 26/11/P&ARD dated 20th August, 2011 and that the existing departmental test (one paper) for promotion of Civil Excise Officers/Women Civil Excise Officers as Preventive Officer will be discontinued. In order to give statutory effect to the above Government Order also the Government decided to amend the rule.

The notification is intended to achieve the above objects.