



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Municipal Common Service – Judgment dated, 10/11/2011 in WP(C)No.29902/2011(K) filed by Smt. Divya.S.K and another before Hon.'ble High Court of Kerala – – complied with – orders issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt)No:233/2013/LSGD.

Dated, Thiruvananthapuram, 29/01/2013

- Read:-
1. Representation dated 19/10/2011 from Smt. Divya.S.K and Smt. Sheeja. C.N.
 2. Judgment dated 10/11/2011 in WP(C)No.29902/2011(K)
 3. Letter No. E7-9536/12 dated 27/06/2012 of the Director of Urban Affairs.

ORDER

The petitioner in WP(C)No.29902/2011(K) viz. Smt. Divya.S.K and Smt. Sheeja. C.N. were advised by the KPSC to the post of Lower Division Clerks/Bill Collectors in Municipal Common Service from the rank list prepared by them for the recruitment of LDCs in various departments. As per the advice of the KPSC they were given appointment in the Municipal Common Service and posted them in the Kottayam Municipality as Bill Collectors by the Director of Urban Affairs who is not a respondent in this writ petition. The petitioners have submitted a representation before the Government(Ext P1 in the Writ Petition) with a request to post them in some other departments as L.D.Clerks or at least spare them from the job of Bill Collectors and to permit to work as L.D.Clerk in Municipal Common Service. Subsequently they have filed WP(C)No. 29902/11 before the High Court, seeking the same relief.

2. In the judgment dated 10/11/2011 the Hon.'ble High Court has directed the 1st respondent State of Kerala represented by the Secretary, P& AR Department to consider and pass appropriate orders on Ext. P1-representation as expeditiously as possible at any rate, within a period of three months from the date of receipt of a copy of the judgement.

3. The Ext.P1 representation submitted by the petitioners was transferred to this Department from the P& AR Department as it is an establishment matter of this Department.

4. Government have examined the case in detail in consultation with the Director of Urban Affairs and the P& AR Department in Government.

5. The petitioners Smt.Divya.S.K & Smt.Sheeja.C.N are already working as Lower division Clerks/Bill Collectors in Municipal Common Service. Their Appointing Authority is not the First,Second or the Fourth

respondents in the writ petition, but the Director, Urban Affairs Department. The Director has reported that it is not possible to appoint the petitioners specifically as of Lower Division Clerks in Municipal Common Service as the post /category of LD clerks in the Kerala Municipal Common Service (M & R Branch) Qualification & Method of Appointment Rules includes Store Keeper/Assistant Cashier/Bill collectors etc. Moreover, among the statutory powers of the Urban Local bodies, collection of tax on various items is the main function and Bill Collectors are entrusted with the same. Therefore the request of the petitioners to appoint them specifically as Lower Division Clerk and exempt them from posting as Bill collector is not allowable. Since the Appointing Authority or the Administrative Department cannot alter the appointment process, this Department in Government cannot consider the request of the petitioners for posting as Lower Division Clerks in any other department or posting them exclusively as LDC in Municipal Common Service and hence their request is hereby rejected.

6. The direction of the Hon.'ble High Court in the judgment read as 3rd paper above is thus complied with.

By Order of the Governor,
J.STANLY,

DEPUTY SECRETARY TO GOVERNMENT.

To.

The Advocate General, Kerala, Ernakulam.(with Covering letter)

The Director of Urban Affairs, Thiruvananthapuram.

Smt . Smt. Divya S.K.(Bill Collector, Kottayam Municipality) , Sopanam,
Perumon, Perinad, Kollam

Smt. Sheeja. C.N.(Bill Collector, Kottayam Municipality), Kulangarayil
House, Muttam P.O, Thodupuzha.

The Personnel & Administrative Reforms Department

(Vide U.O(N)12420/Adv.C3/12/P&ARD dated, 18/01/2012.)

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✓ The Director, Information Kerala Mission, Thiruvananthapuram.

FORWARDED/BY ORDER,


SECTION OFFICER.