



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Kudumbashree Order in OA(EKM)805/2017 filed by Smt.Sheela.K.E, Part Time Casual Sweeper, Kudumbashree District mission Office, Idukki – Complied with - orders issued.

LOCAL SELF GOVERNMENT (IA) DEPARTMENT

G.O.(Rt)No.1120/2019/LSGD Dated, Thiruvananthapuram, 01/06/2019

- Read 1 GO(P)No.501/2005/Fin dated 25.11.2005
 2 GO(Rt)No.894/06/LSGD dated 29.03.2006
 3 GO(Rt)1716/08/LSGD dated 13.06.2008.
 4 GO(P)No.61/10/Fin dated 9.02.2010.
 5 Order Dated 9.11.2015 in TA No.47/15 of the Hon,ble KAT,
 Thiruvananthapuram.
 6 GO(Rt)No.747/17/LSGD dated 18.03.2017.
 7 Order dated 3.01.2019 in OA(EKM)No.805/17 of the Hon,ble
 KAT, Thiruvananthapuram.

ORDER

In the order read as 5th paper above, the Hon'ble Kerala Administrative Tribunal in TA 47/15 WP(C) 6235/09 of the Hon'ble High Court of Kerala filed by Smt.Sheela.K.E, Part Time Casual Sweeper, Kudumbashree District mission Office, Idukki, has directed to consider the application for creation of post of Part Time Contingent Sweeper in Kudumbashree, Idukki submitted by the District Mission Coordinator, Idukki and pass appropriate orders in the light of Government order read as 3rd paper above, wherein the service of Sri,C.A. Mustafa, a Part Time Sweeper in District Mission Office, Wayanad was regularised in the post of Part Time Sweeper created in the office as per GO read as 2nd above. As Ordered by the Hon'ble KAT, the petitioner was heard on 07/10/2016. The contention raised by the petitioner is that she is entitled for regularisation on the basis of the GO read as 1st paper above. The Government have complied the order by rejecting the prayer therein as per GO(Rt)No.747/17/LSGD dated 18/03/2017, in view of the GO read as 1st paper above pertains to the creation of posts as Part Time Sweeper in

Government. All the staff of the mission are being appointed either by deputation from Government departments or on temporary basis viz, Casual, Contract, Daily Wages etc. Their appointment will be automatically ceased on completion of their period or on stoppage of the stipulated period.

(2) Smt. Sheela K.E. Again filed an OA 1805/2017 challenging the order read as 6th paper above and seeking for a direction to enhance the salary or par with regular part time Sweepers in other offices and for regularising her service as Part Time Sweeper by creating a post in the Office of the District Mission, Idukki.

(3) In the order read as 6th paper above, the Hon'ble KAT disposed the OA 805(EKM)/17 directing the 1st respondent (Government) to retain the applicant in service as Casual Part Time Sweeper till such time as the applicant is fit to discharge her duties physically or till the continuation of the scheme (which ever is earlier) and to pass appropriate orders refixing/revising the scale of pay of the applicant on par with the regular Part Time Sweepers and shall disburse the monetary benefits thereof within a period of four months from the date of receipt of a copy of the order. The Hon'ble KAT has also observed that the applicant would be entitle for payment of wages on par with the regular Part Time Sweeper and she is entitled for arrears of wages w.e.f. 25/02/2009, ie, from the date of filing of T.A.No.47 of 2015 (WP(C) No.6235/2009).

(4) Government have examined the case in detail. Kudumbashree is a Joined Program of Government of Kerala and NABARD registered as society under Charitable Societies registration Act,1955. As such, the applicant is not eligible for regularisation in the Part Times Sweepers post as per GO(P)No.501/2005/Fin dated 25.11.2005. The Government Order read as 4th paper above clarifies that persons engaged for sweeping in temporary establishments shall be entitled to payment at par with that of regular Part time Sweepers/Casual Sweepers with effect from the date of this order strictly based on the sweeping area. The total sweeping area of Kudumbashree District

Mission Office, Idukki is 141.76 sq.mtrs. Since the sweeping area of the said Office is above 100 sq.mtrs, the temporary casual sweeper engaged in the office is entitled to get the salary at par with that of Part Time Sweepers, with effect from 9/02/2010 as stipulated in para 3(ii) of the G.O(P)No.61/2010/Fin dated 09/02/2010. Hence Government are pleased to revise the scale of pay of Smt.Sheela K.E, on par with that of the regular Part Time Sweepers and for arrears of wages only w.e.f 09/02/2010 as stipulated in para 3(ii)of the GO(P)No.61/2010/Fin dated 09.02.2010.

(5) The order of the Hon,ble Kerala Administrative Tribunal as per 7th read above is thus complies with.

(By order of the Governor)
V.NAGENDRAN
DEPUTY SECRETARY

To:

Smt.Sheela.K.E,Part Time Casual Sweeper, Kudumbashree District Mission Office, Idukki.

The Executive Director, Kudumbashree, Thiruvananthapuram

The Hon,ble Kerala Administrative Tribunal, Thiruvananthapuram

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram

The Principal Accountant General (A&E/LBA), Kerala, Thiruvananthapuram

The Finance Department(vide U.O No.Dev-4/53/2019/Fin dated 23.05.2019)

✓ The Executive Director IKM

SF/OC.

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Forwarded /By order


 Section Officer