



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing – TA 17/2017 filed by Sri. E. Narayanan, Work Superintendent (on daily wages), Thaliparamba Municipality - Order dated 06.06.2019 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O.(Rt)No.902/2020/LSGD

Dated,Thiruvananthapuram, 18/05/2020

- Read 1 Representation dated 05.12.2008 from Sri. E. Narayanan.
2 Order of the Hon'ble High Court dated 27.05.2009 in WP© 38025/2008.
3 GO(Rt)No. 3356/2009/LSGD dated 17.12.2009.
4 Order of the Hon' KAT dated 06.06.2019 in TA 17/2017.
5 Letter no.E4-20815/2019 dated 06.03.2020 from the Director of Urban Affairs.

ORDER

As per the order read as 4th paper above, the Hon'ble Kerala Administrative Tribunal has set aside the Govt Order read as 3rd above and has directed the 1st respondent, ie the Govt to reconsider Ext. P 8 representation, read as 1st paper above, as directed in Ext. P 10 judgement, read as 2nd paper above and pass fresh orders. Since the facts regarding the actual employment of the applicant are in dispute, the 1st respondent should get the details regarding the actual length of service of the applicant verified through the 2nd respondent, (*Director of Urban Affairs*) and consider the matter with notice to the applicant and the 3rd respondent (*Secretary, Thaliparamba Municipality*) and the fresh orders shall be passed within four months from the date of receipt of a copy of the order.

2. In the Ext. P8 representation, the applicant contended that he had more than 10 years of continuous service in Work Superintendent post on temporary basis in Thaliparamba Municipality and had crossed the age limit for applying for permanent post in Govt service through KPSC. He received bonus and festival allowance entitled for those worked for more than 200 days in a year. Therefore it is requested to regularise his provisional service as Work Superintendent in the Municipality.

3. The Director of Urban Affairs, vide letter read as 5th paper above, has reported that the applicant was appointed as Work Superintendent/Overseer Gr III through employment exchange in Thaliparamba Municipality and dismissed him from service on 27.12.1999. Later he was appointed as daily wages in the Municipality on 02.02.2000. The applicant is not having 10 years of continuous service in the post of Work Superintendent in Thaliparamba Municipality. Those working on daily wages are also entitled for allowances and bonus as per Govt orders issued from time to time. He was given Rs 2500/- as bonus in the year 2007 in accordance with GO(P)no.370/2007/Fin dtd 14.08.2007.

4. The Director of Urban Affairs has further reported that the incumbent had not worked for a continuous period from September 2004 to March 2005. The period for which the incumbent worked as Work Superintendent on daily wages/ employment exchange is as follows:

- i. 02/07/1999 to 27/12/1999 – through employment exchange
- ii. 02/2000 to 06/2001 – Daily wages
- iii. 11/2001 to 06/2004 – Daily wages
- iv. 04/2005 to 11/2009 – Daily wages
- v. 03/2010 to 05/2010 – Daily wages

5. Government have reconsidered the matter in the light of the report of the Director of Urban Affairs and found that the contention of the applicant in Ext. P8 representation that he had worked in the Municipality without any break for the last 10 years is not true to facts. Also, he had not continued in the Municipality for more than six months, ie from 7/2004 to 3/2005. Moreover, there is no statutory provision to regularise any daily wage or temporary worker in permanent appointment in Govt service. Therefore such regularisation will endanger the transparent recruitment procedure through KPSC and is also against the dictum laid down by the Hon'ble Supreme Court in case in State of Karnataka Vs Umadevi .

6. In the above circumstances, the request of Sri. E. Narayanan to regularise his provisional service as Work Superintendent in Thaliparamba Municipality is devoid of any merit and hence the same is hereby declined. The order of the Hon'ble KAT in TA 17/2017 read as 4th paper above is complied with accordingly.

(By order of the Governor)
BIJUKUTTAN.M.S
ADDITIONAL SECRETARY

To:

- 1 Sri. E. Narayanan, Work Superintendent (on daily wages), Thaliparamba Municipality, Kannur.
- 2 The Advocate General, Thiruvananthapuram (with Covering Letter).
- 3 The Director of Urban Affairs, Thiruvananthapuram.

- 4 The Secretary, Thaliparamba Municipality, Kannur.
- 5 The Accountant General, (A&E/Audit) of Kerala, Thrissur
- 6 The Executive Director, Information Kerala Mission.
- 7 The Web & New Media, I & PRD.
- 8 Stock File/Office Copy.

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Signature valid

Digitally signed by SREEKANTH
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Date: 2020.05.14 14:37:23 IST
Reason: Approved

Section Officer