



GOVERNMENT OF KERALA

Abstract

Local Self Government - Judgment dated 29/07/2021 of the Hon'ble High Court of Kerala in WP(C) No.15136/2021 filed By Sri.Sasi Kumar and Others - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (IB) DEPARTMENT

G.O.(Ms)No.260/2021/LSGD Dated, Thiruvananthapuram, 06/11/2021

- Read 1 G.O.(Rt)No.211/98/RDD dated 16/05/1998.
- 2 G.O.(Ms)No.216/2012/LSGD dated 08/08/2012.
- 3 G.O.(Ms) No.53/2013/F&WLD dated 15/05/2013.
- 4 G.O.(Ms)No. 201/2013/LSGD dated 01/06/2013.
- 5 G.O.(Ms)No.59/2013/F&WLD dated 03/06/2013.
- 6 G.O. (Ms) No.47/2014/LSGD dated 22/02/2014.
- 7 G.O.(Ms)No.57/2017/LSGD dated 16/03/2017.
- 8 G.O.(Ms) No.192/2020/LSGD dt. 22/12/2020.
- 9 G.O.(MS)No.56/2021/LSGD Dated 19/02/2021.(Ext. P4)
- 10 G.O.(Rt)No.748/2021/LSGD dated 23/03/2021.
- 11 Representation dated 11.06.2021 from the Petitioners (Ext. P5)
- 12 Judgment dated 29/07/2021 of the Hon'ble High Court of Kerala in WP(C) No.15136/2021 filed By Sri.Sasi Kumar and Others.
- 13 Letter No. KILA/2021/101/3117 dated 22.09.2021 from Director General, KILA, Thrissur.
- 14 Letter No. CRD/915/2021-HT-3 dated 30.09.2021 from Commissioner for Rural Development.
- 15 G.O.Ms)No.254/2021/LSGD dated 02.11.2021.

ORDER

As per the judgment read as 12th paper above, the Hon'ble High Court of Kerala directed the first respondent i.e. Chief Secretary to take up, consider and pass orders on Ext.P5 representation preferred by the petitioners, taking note of Ext.P1 to P4 as well, sympathetically. There was a further direction to put the petitioners on notice and hear their authorized representative through any appropriate means, including video conferencing and pass orders within a period of three months from the date of receipt of

a copy of the judgment.

2) In the representation read as 11th paper above, the petitioners submitted that they were the employees of erstwhile Attappadi Hills Area Development Society (AHADS) and requested to appoint them in Government service, on the basis of the appointments given to the former employees of AHADS who belong to SC/ST, considering their experience and qualification and on humanitarian grounds.

3) As directed by the Hon. High Court, the authorised representative of the petitioners were heard on 16.10.2021 through video conference by Under Secretary. During the hearing the authorised representative of petitioners argued as follows:

- 91 tribal employees of erstwhile AHADS were appointed in Forest Department as Tribal Watchers as per G.O. read as 3rd paper above.
- they have not been terminated or retrenched from service of erstwhile AHADS on its winding up on 31.03.2012 or its transformation into AHADS-CCPRM.
- all the petitioners are unemployed and have no source of income.
- similarly situated employees belonging to SC/ST were considered for appointment in various departments under government.
- similar treatment needs to be maintained in the case of all employees irrespective of their religion, caste and creed.
- sympathetic consideration is required in the case of petitioners also. All of them are qualified and are between the age group of 38 to 53 years and there is no scope for employment under Government.

4) Government have examined the matter in detail. Attappady Hills Area Development Society was the implementing agency of JICA (Japan International Co-operation Agency) assisted Attappady Waste Land Comprehensive Environmental Conservation Project (AWCEP). The external assistance to the project was ended on 26.03.2010. The term of AHADS was extended upto 31.03.2012 to complete its committed work and thereafter its functions wound up. As per G.O. read as 1st paper above the Project Director, AHADS was permitted to fill up the posts created in AHADS through advertisements in news paper. Thereafter as per G.O. read as 4th paper above, sanction was accorded for transformation of AHADS to AHADS - CCPRM (Centre for Comprehensive Participatory Resource Management) to extend its activities outside Attappady block in Palakkad towards the upliftment of Scheduled tribes all over Kerala.

5) The Memorandum of Association of Attappadi Hills Area Development Society was approved by Government as per G.O. read as 6th paper above. In the above Government Order, it was specifically mentioned to retain the required number of staff selected from among the existing staff under AHADS and further appointments if necessary shall be made on contract / deputation basis from State Government Departments. Later, AHADS-CCPRM was dissolved into KILA unconditionally as per G.O. read as 7th paper above.

6) As per G.O. read as 2nd paper above, it has been ordered to appoint maximum number of Adivasi employees of formerly AHADS in the posts of Homeguard / Forest Guard in Palakkad District. Accordingly, as per G.O. read as 5th

paper above Government granted permission to appoint 91 ex-employees of AHADS belonging to ST, in the newly created post of Tribal Watchers. Later, in compliance with the judgment dated 10.03.2020 (Ext.P1) of the Hon'ble High Court of Kerala in WP(C)No.7225/2020, orders were issued to accommodate 13 employees of erstwhile AHADS belonging to SC category in various Government Departments as per G.O. read as 8th paper above (Ext.P2). Similarly, as per the order dated 18.08.2020 of the Hon'ble Kerala Administrative Tribunal in M.A.No.1052/2020 in O.A. (EKM)No.965/2020 filed by Smt. Pappathy and Others, orders were issued to accommodate 32 literacy instructors of AHADS belonging to ST category who worked in AHADS till its winding up ie, upto 31.03.2012, into Local Self Government Department and Forest & Wild Life Department in supernumerary posts in accordance with their qualification, as per G.O. read as 9th paper above.

7) As per letters read as 13th and 14th papers above, Director General, KILA and Commissioner for Rural Development have reported that on verification of the available records of erstwhile AHADS employees, it has noted that all the Petitioners were engaged in the project as per requirement and hence most of them don't have any appointment order. Details regarding the Educational Qualification/Religion/Caste are also not available for many of them. Certificates of Academic qualification/experience is available for a few of them, but it is not available for others.

8) It is found that the policy decision for re-employment of the ex-employees of AHADS belonging to SC/ST categories was taken by Government considering the particular circumstances of the Attappady area and based on humanitarian grounds. As the very purpose of AHADS was the upliftment of the socially and economically backward classes especially tribes of Attappady Hills area, Government are bound to pay special attention to address their woes and worries even after the winding up of the Society. In the circumstances, the re-employment of the ex-employees of AHADS belonging to other categories was not in consideration of the Government. The employees of AHADS were appointed as part of implementation of Attappady Waste land Comprehensive Environmental Conservation Project (AWCEP) and they were obliged to leave in case of winding up of the project by Government. Moreover as per G.O. read as 2nd paper above, it was ordered to appoint maximum number of Adivasi employees of formerly AHADS in the posts of Homeguard / Forest Guard in Palakkad District. No orders have been issued with regard to the re-employment of the employees of formerly AHADS who belong to categories other than SC/ST. In compliance with the direction of the Hon. Tribunal in OA (EKM) No.1619/2020 the applicants were heard and similar request of the applicants was rejected as per G.O. read in 10th paper above after considering all the aspects detailed above. In compliance with the Ext. P3 judgment dated 07.07.2021 (Ext.P3) of the Hon'ble High Court in WP(C)No.21628/2012 filed by Sri. Prathapan and Others Government have considered the representation of Petitioners and rejected their request as per G.O read as 15th paper above. In this case all the Petitioners were engaged in the project as per requirement and hence most of them don't have any appointment order. Hence the request of the petitioners for absorbing them to Government Departments by considering their service in AHADS cannot be accepted.

9) In the above circumstances, Ext.P5 representation preferred by the petitioners read as 11th paper above is rejected. The judgement of the Hon'ble High Court of Kerala read as 12th paper above is complied with accordingly.

(By order of the Governor)
Shibi Abraham
Deputy Secretary

To:

The Persons Concerned.

Advocate General Kerala, Ernakulam.

Director General, Kerala Institute of Local Administration (KILA), Thrissur.

Commissioner for Rural Development, Thiruvananthapuram.

Principal Accountant General (A&E), Kerala, Thiruvananthapuram.

Accountant General (G&SSA/E&RSA), Kerala, Thiruvananthapuram.

✓ Executive Director, Information Kerala Mission, Thiruvananthapuram.

Information & Public Relations (Web & New Media) Department.

Stock File / Office Copy.

Forwarded /By order,

Signed by Vijitha M B

Date: 06-11-2021 15:42:01

Section Officer
Reason: Approved

Copy To:

Private Secretary to Hon'ble CM

Private Secretary to Hon'ble M (LSGD)