



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Judgment dated 20/10/2021 of the Hon'ble High Court of Kerala in W.P.(C) No.22304/2021 filed by Sri. Anil Kumar G and others - Complied with - Orders issued.

LOCAL SELF GOVERNMENT(IB)DEPARTMENT

G.O.(Rt)No.180/2022/LSGD Dated,Thiruvananthapuram, 25/01/2022

- Read 1 G.O.(Rt)No.211/98/RDD dated 16/05/1998
- 2 Government letter No.21158/IB1/2OI2/LSGD dt. 31/03/2012
- 3 G.O.(Ms)No.216/2012/LSGD dated 08.08.2012
- 4 G.O.(Ms)No. 201/2013/LSGD dt 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 The judgment dated 10.03.2020 of the Hon'ble High Court of Kerala in WP(C)No.7225/2020.
- 9 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
- 10 G.O.(Ms)No.192/2020/LSGD dated 22.12.2020
- 11 G.O.(MS)No.56/2021/LSGD Dated 19.02.2021
- 12 G.O.(Rt)No.748/2021/LSGD dated 23/03/2021
- 13 Representation dated 25/08/2021 submitted by the petitioners Sri.Anil Kumar G & Others.
- 14 Judgment dated 20/10/2021 of the Hon'ble High Court of Kerala in W.P.(C) No.22304/2021 filed by Sri. Anil Kumar G and others.
- 15 G.O.(Ms)No.254/2021/LSGD dated 02/11/2021.
- 16 G.O.(Ms)No.260/2021/LSGD dated 06/11/2021.
- 17 Letter No.KILA/2021/101/4677/HQ dated 07/12/2021 from Director General, KILA.
- 18 Letter No.CRD/1839/2021-HT-3 dated 09/12/2021 from Commissioner for Rural Development.

ORDER

As per the judgment read as 14th paper above, Hon'ble High Court directed the second respondent, that is the Principal Secretary, Local Self Government Department to take up, consider and dispose of on merits, Ext.P6 representation, that is the representation read as 13th paper above, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of the judgment.

2. In the representation read as 13th paper above, the petitioners stated that they were the employees of the erstwhile Attappady Hill Area Development Society (AHADS) Agali, Palakkad District. They were working from 2006 onwards as Technical Assistants till 2012 without any break in service. They also claim that several persons who were working under AHADS belonged to the scheduled caste and scheduled tribe category were absorbed and given employment at various other establishments. Many of the employees had approached the Hon'ble High Court of Kerala as per W.P(C)No.15136/2021 (filed by Sri. Sasikumar and others), W.P(C) No.7225/2020 (filed by Smt. Jeena S Kumar) and W.P(C)No.21628/2012 (filed by Sri. Prathapan and Others) and the Hon'ble High Court of Kerala has directed to consider the entitlement of the petitioners therein with empathy and with compassion since the petitioners therein had to be sent out of service for no fault of theirs but only because the AHADS had ceased to be in existence. The petitioners submit that when similarly placed persons like the petitioners had approached seeking for reinstatement upon the orders of the Hon'ble High Court, such persons have now been absorbed into various departments. So the applicants request to consider their application with empathy and compassion and grant them employment.

3. As per the report submitted by KILA and CRD read as 17th and 18th papers respectively the activities of AHADS came to an end by 31/03/2012 as per letter read as 2nd paper above. After that it was registered as society namely AHADS - CCPRM as per Government Order read as 6th paper above. As per Government Order read as 7th paper AHADS - CCPRM was dissolved and merged unconditionally to KILA. As per the records available in KILA, the petitioners Mr. Anilkumar G, Mrs. Bindhu Thomas, Mrs. Suja S and Mrs. Ajitha M.S were worked as Animator/ Contact Volunteer/ Technical Assistant/ Senior Technical Assistant in AHADS. They were worked till the end of the AHADS Project and they left out of job due to the winding up of the project. Of the sanctioned posts of erstwhile AHADS, the posts of Animators/ Contact Volunteers/ Technical Assistants / Consultants / Senior Technical Assistants etc. were not included and these are the posts sanctioned / approved by the Governing Body of AHADS. Hence the posts Animators/ Contact Volunteers/ Technical Assistants/ Senior Technical Assistants were not regular employees of AHADS and all of them engaged as Project Staff.

4. Attappady Hills Area Development Society was the implementing agency of

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JICA (Japan International Cooperation 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 Government Order 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 Government Order 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 Government Order 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 from State government departments. Later, AHADS-CCPRM was dissolved into KILA unconditionally as per Government Order read as 7th paper above.

6. As per Government Order read as 3rd 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 Government Order 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.

7. Later, in compliance with the judgment read as 8th paper above, orders were issued to accommodate 13 employees of erstwhile AHADS belonging to SC category in various Government Departments as per Government Order read as 10th paper above. Similarly, as per the order of the Hon. Kerala Administrative Tribunal read as 9th paper above, 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 Government Order read as 11th paper above.

8. 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

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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 Government Order read as 3rd 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. Also, in compliance with the direction of the Hon. Tribunal in OA (EKM) No.1619/2020 the applicants were heard and the similar request of the applicants was rejected as per Government Order read as 12th paper above after considering all the aspects detailed above. Subsequently representation preferred by Sri. K. Prathapan & Others in WP (C) No.21628/2012 was rejected as per Government Order read as 15th paper above and representation preferred by Sri. Sasikumar & Others in WP(C) No.15136/2021 has been rejected as per Government Order read as 16th paper above.

9. In view of the direction of the Hon. High Court, Government examined the Ext.P6 representation in detail. Since the employees engaged in the posts Animators/ Contact Volunteers/ Technical Assistants/ Senior Technical Assistants were not regular employees of AHADS and 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, the request in Ext.P6 representation preferred by Sri. Anil Kumar G & Others cannot be considered. Thus the Ext P6 representation put forth by Sri. Anil Kumar G & Others is disposed of and the judgement dated 20/10/2021 of the Hon'ble High Court of Kerala in W.P.(C) No.22304/2021 filed by Sri. Anil Kumar G and others is complied with accordingly.

(By order of the Governor)
Shibi Abraham
Deputy Secretary

To:

The Persons concerned.

Advocate General, Ernakulam, Kerala.

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.

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Section Officer

Copy To:

Private Secretary to Hon'ble Chief Minister.

Private Secretary to Hon'ble M (LSGD).