



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Establishment - Request made by Sri. Promod Kumar, PTS (on daily wages), Vellanad Grama Panchayat - Request to regularise him in the post of Part Time Sweeper - Rejected - Orders issued.

LOCAL SELF GOVERNMENT (EPA) DEPARTMENT

G.O.(Rt)No.623/2022/LSGD Dated, Thiruvananthapuram, 14-03-2022

Read Order dated 11.11.2021 in OA 2087/2021 of the Hon'ble Kerala Administrative Tribunal.

Representation dated 2.9.2021 submitted by Sri. Promod Ref Kumar, before the Principal Secretary, Local Self Government Department.

ORDER

The Hon'ble Kerala Administrative Tribunal in the Order read above has ordered as follows -

“, we direct the 1st respondent to consider the claim raised by the applicant in Annexure A6 representation for regularisation of his service and for creation of a post against which he was engaged, and pass appropriate orders thereon, in accordance with law, in the light of various Government Orders and the judgments passed by the Hon'ble High Court, and the orders passed by this Tribunal, within a period of two months from the date of receipt of a certified copy of this order. The applicant will produce a copy of the Original Application, along with a certified copy of this order, before the 1st respondent. The Original Application is disposed of as above.”

2. Annexure A6 is a representation dated 2.9.2021 submitted by Sri. Promod Kumar, Part Time Sweeper (on daily wages), Vellanad Grama Panchayat, before the Principal Secretary, Local Self Government Department. The contentions in Annexure A6 representation is that he is being working in Vellanad Grama Panchayat as Part-time Sweeper on

daily wage basis w.e.f. 24.2.2006 without break and is physically disabled. Though the Grama Panchayat on 25.11.2014 and 9.4.2018, passed resolution requesting the Government to regularise his service in the post of Part-time Sweeper, no action is seen taken on the resolutions. Further he is entitled to get regularisation of service in the post of Part-time Sweeper and salary on that basis and he is entitled to get reservation of appointment on the basis of the provisions contained in the Rights of Persons with Disabilities Act, 2016. The sweeping area of the road in the Panchayat undertaken by him is 7200m² and by considering the area of sweeping, he is entitled to get regularization as Full Time Sweeper. It was therefore requested that necessary orders be passed regularising him in service as Part-time/Full-time Sweeper in Vellanad Grama Panchayat w.e.f. February, 2006 with all consequential benefits.

3. Government have examined the matter in detail. Sri. Promod Kumar was appointed as Road Sweeper on daily wage basis only for from 24.02.2006, i.e after the issuance of G.O(P) No.501/2005/Fin dated 25.11.2005 and he has forwarded the representation to Government only on 02.09.2021. Hence his case does not comes under the purview of G.O dated 25.11.2005. Further Government Offices functioning in Government building alone come under the purview of Government Order dated 25.11.2005 and Sri. Promod Kumar has been engaged as Road Sweeper in the Grama Panchayat. As per G.O (P) No. 61/2010/Fin dated 09.02.2010, it has been clarified that sweepers engaged for cleaning bus stands, streets, markets,public gardens etc. will not come under the purview of Order dated 25.11.2005. The Panchayat Director has not furnished any proposal for the creation of post of Part Time Sweeper to regularise the applicant in the Grama Panchayat with the sweeping area determined as per the guidelines given in the appendix of G.O(P) No.501/2005/Fin dated 25.11.2005. Based on the above reasons, Sri. Promod Kumar is not eligible for regularization as part time Sweeper as per the provisions laid down in G.O(P) No.501/2005/Fin dated 25.11.2005.

4. In the above circumstances, the request made by Sri. Promod Kumar, PTS (on daily wages), Vellanad Grama Panchayat in Annexure A6 representation to regularise him in the post of Part Time Sweeper w.ef 2/2006 does not merit consideration and hence hereby rejected.

5. The Order read above of the Hon'ble Kerala Administrative Tribunal is complied with accordingly.

(By order of the Governor)
SHIJA C G
DEPUTY SECRETARY

Sri. Promod Kumar, PTS (on daily wages), Vellanad Grama Panchayat, Thiruvananthapuram District (Through Secretary, Vellanad Grama Panchayat, Thiruvananthapuram)

Advocate General, Kerala, Thiruvananthapuram (with CL)

Director of Panchayats, Thiruvananthapuram

Deputy Director of Panchayats, Thiruvananthapuram

Secretary, Vellanad Grama Panchayat, Thiruvananthapuram

Principal Accountant General (A&E)/(Audit), Thiruvananthapuram

✓ Executive Director, IKM (for publishing in the website of LSGD)

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Office copy (File No.LSGD-EPA2/240/2021-LSGD)/ Stock File

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Section Officer

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