



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Establishment - Request for regularisation in service submitted by Smt. Daly. S, Part Time Sweeper on daily wages, Peringammala Gramapanchayat - Rejected - Orders issued.

LOCAL SELF GOVERNMENT (EPA) DEPARTMENT

G.O.(Rt)No.949/2022/LSGD Dated,Thiruvananthapuram, 18-04-2022

Read 1. G.O(P)No.61/2010/ LSGD dated 9.2.2010

2. GO(Rt)No.1528/2011/LSGD dated 27.6.2011

3. Order dated 20.09.2021 in OA 1748/2021 of the Hon'ble Kerala Administrative Tribunal.

ORDER

Smt. Daly.S, Part Time Sweeper, Peringammala Gramapanchayat was engaged as daily wages Sweeper at the Peringammala Grama Panchayat pursuant to the resolution dated 9.4.1996 with effect from 1.7.1996. On issuance of G.O(P)No.501/2005/Fin dated 25.11.2005, the Panchayat was eligible for sanctioning a post of Part Time Sweeper and the applicant sought regularisation in the said post as per the terms of the Government Order. This was not considered and aggrieved by which the applicant moved the Hon'ble High Court in W.P(C)No.17501/2004. The sweeping area of the Panchayat office was certified to be 897 sq.mtrs. The Hon'ble High Court accordingly disposed of the Writ Petition by directing the first respondent to pass orders on the application for regularisation of the applicant in accordance with the terms of the Government Order. Pursuant thereto vide reference read as second paper above, the applicant was regularised in service with effect from 9.2.2010 ie, the date on which G.O(P)No.61/2010 dated 9.2.2010 was issued. The applicant filed OA

1748/2021 before the Hon'ble Kerala Administrative Tribunal aggrieved by non-consideration of her claim for regularisation with effect from 18.6.2001 in accordance with G.O(P)501/2005/Fin dated 25.11.2005 and alleging non-compliance with the directions in the judgment of the Hon'ble High Court in W.P(C)No.17501 of 2004 dated 10.2.2011.

2. The Hon'ble Tribunal vide reference read as third paper above, disposed of the O.A directing the first respondent to consider and pass appropriate orders on Annexure A6 representation dated 02.07.2021 in accordance with law and the stipulations in G.O(P) No.501/2005/Fin dated 25.11.2005 and the directions in Annexure A1 judgment of the Hon'ble High Court of Kerala in W.P(C)No.17501 of 2004 on regularisation in service with effect from 18.6.2001.

3. Annexure A6 is a representation dated 2.7.2021 submitted by the applicant to the Principal Secretary, LSG, through which the applicant has requested to review the G.O read second paper above and she may be regularised in service in accordance with GO(P)No.501/2005/Fin dated 25.11.2005 as Part-time Sweeper w.e.f. 18.6.2001 with all attendant benefits at the earliest.

4. Government have examined the matter in detail. The regularisation of all sweepers other than casual sweepers are to be made based on the instructions issued in G.O(P) No. 61/2010/Fin dated 09/02/2010 and as per this order they can be regularised only w.e.f 09/02/2010 even though they are on service as on date of G.O(P) No. 501/2005/Fin dated 25/11/2005. The regularisation policy mentioned in G.O(P) No. 501/2005/Fin dated 25/11/2005 is applicable only to Casual sweepers and hence this cannot be made applicable in this case as the applicant was engaged as Sweeper on daily wage. Hence the applicant cannot be regularised with back date as requested by her in the Annexure A6 representation.

5. In the above circumstances, the request of Smt. Daly. S in Annexure A6 representation for regularisation in service as Part-time Sweeper w.e.f. 18.6.2001 in accordance with GO(P)No.501/2005/Fin dated 25.11.2005 is hereby rejected.

6. 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

Smt. Daly. S, Part Time Sweeper, Peringammala Grama Panchayat,
Thiruvananthapuram District (Through Secretary, Peringammala Grama
Panchayat, Thiruvananthapuram)

Advocate General, Kerala, Thiruvananthapuram (with CL)

Director of Panchayats, Thiruvananthapuram

Deputy Director of Panchayats, Thiruvananthapuram

Secretary, Peringammala Grama Panchayat, Thiruvananthapuram

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

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

I&PRD (Web& New media)

Office copy (File No.LSGD-EPA2/237/2021-LSGD)/ Stock File

Forwarded /By order
Signed by Danuja M S
Date: 18-04-2022 15:00:37
Section Officer