



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Establishment - Order dated 09.02.2017 in TA 7334/2012 filed by Smt.P.K. Nandini, daily waged Sweeper at Poothrikka Grama Panchayat - Complied - Orders issued.

DEPARTMENT

G.O.(Rt)No.2053/2022/LSGD Dated,Thiruvananthapuram, 22-08-2022

Read 1 GO(Rt)No. 16/2008/LSGD dated 02.1.2008

2 Order dated 09.02.2017 in TA 7334/2012 of the Hon'ble Kerala Administrative Tribunal.

3 Letter no. E9-26087/17 dated 13.12.2017 from the Director of

Panchayat

ORDER

Government vide Order read as 1st paper above, rejected the request of Smt.P.K. Nandini for regularization in the post of Part Time Sweeper on the ground that the petitioner is working as daily waged sweeper at Poothrikka Gramapanchayat, Ernakulam and as per the existing GO(P) No. 501/2005/Fin dated 25.11.2005 there is no provision for regularising daily waged sweeper. The applicant filed T.A 7334/2012 before the Hon'ble Kerala Administrative Tribunal aggrieved by non-consideration of her claim for regularisation.

2. In the final Order dated 09.02.2017 in TA 7334/2012 the Hon'ble Kerala Administrative Tribunal has ordered as follows-

" On consideration of the facts, it is found that the applicant is fully eligible and entitled to be regularised in service in accordance with the terms of G.O.(P) No.501/05/Fin dated 25.11.2005. The objection raised against the regularisation of the applicant that she was a daily wage Sweeper cannot be

accepted. It is also noted that the applicant was eligible for the scale of pay as stipulated in paragraph 8 to 11 of the G.O. dated 25.11.2005. In view of the fact that the applicant is being continuously engaged from 1.4.2002 and that the sweeping area of the Panchayat Office is nearly 700 sq. mtrs., the applicant is eligible for regularisation in accordance with the terms of G.O. (P) No.501/05/Fin dated 25.11.2005. Therefore, the applicant is also eligible for the scale of pay with effect from the date of regularisation. The first respondent is directed to pass appropriate orders regularising the applicant in service with effect from the date of her engagement or at least with effect from the date of the above Government order. While issuing orders, the first respondent will take into account the sweeping area of the Panchayat Office as well, and consider whether the applicant was entitled to be regularised as a Full Time Sweeper and if so, the post of Full Timer Sweeper would be sanctioned to the Panchayat, against which the applicant has to be regularised. The first respondent shall also issue orders sanctioning payment to the applicant in the scale of pay attached to the post of Part Time Sweeper with all consequential revisions. Appropriate orders shall be issued by the first respondent within a period of three months from the date of receipt of a copy of this order."

3. The Director of Panchayat letter read as 3rd paper furnished a proposal for regularization of the applicant with a report that the Poothrikka Gramapanchayat vide resolution No. 10 dated 28.04.2012 has requested the Government to regularize Smt. P.K Nandini in the existing post of Part time sweeper and the total sweeping area of the Panchayat office is 830.26 m² as certified by the Assistant Engineer, PWD Buildings section. As per the report of the Secretary of Poothrikka Gramapanchayat that there exist a vacancy in the post of part time sweeper, the Director of Panchayats recommended to regularize Smt. P.K Nandini in the existing post of Part time sweeper.

4. Government have examined the matter in detail. The regularisation policy issued vide G.O(P) No. 501/2005/Fin dated 25/11/2005 is applicable to the casual sweepers only who were engaged before the date of issue of the order in Offices with sweeping area more than 100 sq.m . The regularisation of daily wage sweepers who were engaged before 2005 in

offices with sweeping area more than 100 sq.m is as envisaged in G.O(P) No. 61/2010/Fin dated 09/02/2010 and as per this order the applicant is eligible for regularisation w.e.f 09/02/2010 only as if she satisfies all the conditions envisaged in this order.

5. In the above circumstances, Government are pleased to issue orders regularising Smt. P.K. Nandini in the existing post of as Part-time Sweeper in Poothrikka Gramapanchayat w.e.f. 09.02.2020 as per the provisions laid down in G.O(P) No. 61/2010/Fin dated 09/02/2010.

6. The Order of the Hon'ble Kerala Administrative Tribunal read as second paper above is complied with accordingly.

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

To:

Smt.P.K. Nandini, Daily waged Sweeper, Poothrikka Gramapanchayat, Ernakulam District (Through Panchayat Director)

Advocate General, Kerala, Thiruvananthapuram (with CL)

Director of Panchayats, Thiruvananthapuram

Deputy Director of Panchayats, Ernakulam
Secretary, Poothrikka Gramapanchayat, Ernakulam

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-EPA2/76/2016-LSGD)/ Stock File

Forwarded /By order

Signed by Danuja M S

Date: 26-08-2022 11:20:21

Section Officer

