



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Regularisation of service of pharmacist unani attender in the Koduvally municipality, Kozhikkode - W.P(C) No.26113/2023 filed by Smt. Muneera.V.P - 25/03/2024 - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (DB) DEPARTMENT

G.O.(Rt)No.1106/2024/LSGD

Dated, Thiruvananthapuram, 22-06-2024

- Read:
1. G.O(Rt) No.1813/11/LSGD dated 29/07/2011.
 2. G.O(Ms) No.109/2016/LSGD dated 05/08/2016.
 3. Letter no. NHM/6630/ADMIN4/2016/SPMSU dated 25-3-2017.
 4. Circular no. 55/2022/Fin dated 8-7-2022
 5. Representation submitted by Smt. Muneera V.P dated 13/07/2023(Exhibit P4)
 6. Government letter No.EU3/166/2023/LSGD dated 17/08/2023.
 7. Judgment dated 25/03/2024 in W.P(C) No.26113/2023 / HC filed by Smt. Muneera. V.P, pharmacist unani attender, Koduvally municipality dispensary
 8. Letter No.G3-4119/2018 dated 12/06/2024 of Koduvally Municipality Secretary.

ORDER

In the W.P(C) No.26113/2023 filed before the Hon'ble High Court of Kerala by Smt. Muneera. V.P to regularise the service of the petitioner as attender cum pharmacist in Unani Dispensary run by the Koduvally Municipality, the Hon'ble High Court as per the judgment read as 7th paper above had ordered to take up the Exhibit P4 representation read as 5th paper above, submitted by the petitioner before Government and pass appropriate orders within a period of two months from the date of receipt of copy of the judgment.

2. The petitioner was appointed on contract basis as Pharmacist Unani Attender in the dispensary of Koduvalli municipality. She was appointed by the National Health Mission (NHM) and was continuing in the post as per the proceedings of the District Medical Officer, ISM, Kozhikkode . According to the Govt. Order read as 1st paper above, Govt had instructed the local bodies to pay the salary of the contract employees under NRHM in the dispensaries. Accordingly she continued in the post in the dispensary of the municipality and salary is being paid to her as per the Council decision of the Municipality vide letter read as 8th paper above. She is not appointed in a sanctioned post in the department or municipality.

3. In the Ext. P4 representation read as 5th paper above the petitioner had requested to regularise her service as pharmacist unani attender in the unani dispensary of Koduvally municipality, which was formerly a Panchayath. Wages of Attenders/Pharmacists those who are appointed through National Rural Health Mission is disbursed from the own fund of the municipality. But, there is no provision to regularise such appointments made

through National Rural Health Mission (NHM) by the municipality. The appointment is only provisional and against no such post created in the municipality or dispensary. After examination this fact was informed by Govt. in the reply to the Exbt. P4 representation as per the letter read as 6th paper above. Further Govt has also decided not to regularise provisionally appointed persons as per the circular read as 4th paper above, following the decision of the Hon. Supreme Court in the case of Umadevi v. State of Karnataka.

5. In the judgment read as 7th paper above, Hon. High Court had directed to pass appropriate orders in Exbt. P4 within the time limit granted by the Hon. Court. Govt. therefore re- examined the matter in detail on the basis of the above facts. It is found that the request of the petitioner for regularisation of service in the unani dispensary of Koduvally municipality in the Exbt. P4 representation to Govt. cannot be considered favourably and hence rejected. The direction of the Hon. High Court in the judgment dated 25-3-2024 is complied with accordingly.

(By order of the Governor)
LEENA N P
ADDITIONAL SECRETARY

To

The Advocate General, Kerala, Ernakulam(with covering letter)
Principal Director, Local Self Government Department
Smt.Muneera V.P, W/ O Sri. Muhammed Rafi, Valiyaparamba,
Koduvally P.O, Kozhikkode
Accountant General (A&E/Audit), Thiruvananthapuram
Executive Director, IKM (for website)
Stock File (DB3/428/2023/LSGD)

Forwarded/By order


Section Officer