



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Establishment - Smt. Sheeba Joy alias Sheeba Ouseph, casual sweeper at Keerampara Grama Panchayath engaged on daily wages is regularized in the post of Part Time Sweeper - Sanction accorded - Orders issued.

LOCAL SELF GOVERNMENT (EPA) DEPARTMENT

G.O.(Rt)No.1742/2020/LSGD Dated,Thiruvananthapuram, 24/09/2020

- Read 1. GO(P)No. 501/2005/Fin dated 25.11.2005
2. Order dated 14.09.2018 in T.A. No 5776/2012 of the Hon'ble Kerala Administrative Tribunal
 3. Judgment dated 10.02.2020 in OP(KAT) 426/2019 of the Hon'ble High Court of Kerala
 4. Application dated 28.2.2020 submitted by Smt. Sheeba Joy.
 5. G.O(P)No 31/2018/Fin dated 03.03.2018

ORDER

Smt. Sheeba Joy alias Sheeba Ouseph, casual sweeper at Keerampara Grama Panchayath engaged on daily wages, filed T.A. 5776/2012 against her termination from the Panchayath on 23.12.2010. She was terminated consequent to the transfer of a regular Part Time Sweeper to the sanctioned post of Part Time Sweeper in Keerampara Grama Panchayath. The Hon'ble Kerala Administrative Tribunal in the order read 2nd paper above has ordered that

" there will be a direction to the 1st respondent to issue necessary orders to see that the applicant is reinstated in service as Part Time Sweeper in the 4th respondent Panchayat and her services are reguarilised in accordance with Ext.P2 order. Orders shall be passed by the 1st respondent expeditiously so as to enable the applicant to rejoin service within three months from the date of receipt of a copy of this order"

2. As per the paper read 4th above, the Applicant claimed the following points in support of her regularisation:

There is a sanctioned post of Part Time Sweeper in the 4th respondent Panchayath and a regular hand was working there. In view of the decision of the Hon'ble High Court in Mercy V State of Kerala 2004(2) KLT 8487 and as per GO(P) 501/2005/Fin dated 25.11.2005 Casual Sweepers working against the sanctioned post are entitled to be regularised in service. Hence her termination to accommodate another regular Part Time Sweeper is unsustainable in law. As per letter dated 08.04.2010, the 4th

respondent had actually submitted necessary proposal for regularising the service of the applicant and She was terminated while the same was pending consideration and she had been continuously working in the Panchayath.

3. The Hon'ble Kerala Administrative Tribunal has found the following points:-

a) The action of the Secretary Keerampara Grama Panchayath in having terminated the service of the applicant is illegal as the same is against the direction in the order read as 1st above.

b) There is no dispute with regard to sweeping area, as there exists a sanctioned post and the applicant is entitled to be regularised against the said post. In view of the Ext P2 order read as 1st above, the termination of her service on 23.12.2010 was illegal. In such circumstances, the applicant is entitled to be reinstated and her service regularised in accordance with the Ext P2 order.

4. An OP(KAT) 426/2019 has been filed against the order of Hon'ble Kerala Administrative Tribunal and the same has been dismissed as per Judgment read as 3rd above. In the judgment, it is ordered that the applicant have been engaged against an existing sanctioned post, was entitled to be regularised, since her appointment was prior to 25.11.2005. The period during which the applicant was kept out of service, ie, from 23.12.2010 till reinstatement cannot be counted for any purpose. With the above reservation as to the continuity of service It was also ordered the petitioners to comply with directions in the impugned order of the Kerala Administrative Tribunal within a period of one month from the date of receipt of a copy of the Judgment.

5. Government have examined the matter in detail. Smt Sheeba Joy was the sweeper on daily wages in the Keerampara Grama Panchayath from 07.04.2005. She continued there as such till 23.01.2010. As per the Order read as 5th paper above, it is ordered that if temporary employees are made permanent, the regularisation shall be come to effect only from the date of the order.

6. In the above circumstances Government are pleased to issue the following Orders .

i) Smt Sheeba Joy alias Sheeba Ouseph is reinstated in Keerampara Grama Panchayath and is regularized as Part Time Sweeper with effect from the date of this order.

ii) The Deputy Director of Panchayath, Ernakulam is directed to transfer and post the Part Time Sweeper now working in Keerampara Grama Panchayath to another Grama Panchayath, where the post of Part Time Sweeper is lying vacant.

The order of the Hon'ble Kerala Administrative Tribunal read as 2nd paper above is thus complied with.

(By order of the Governor)
REMANI MATHEW
ADDITIONAL SECRETARY

Smt Sheeba Joy alias Sheeba Ouseph, Part Time Sweeper, Keerampara Grama Panchayath (Through Secretary, Keerampara Grama Panchayath) Advocate General,

File No.LSGD-EPA2/77/2016-LSGD-Part(1)

Kerala, Thiruvananthapuram(with CL)

Director of Panchayats, Thiruvananthapuram

Deputy Director of Panchayats, Ernakulam

Secretary, Keerampara Grama Panchayath, Ernakulam district.

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

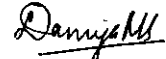
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