



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Establishment - Representation submitted by Sri. Sunil George for regularizing his service as pump operator after creating a post at Kumaramputhur Gramapanchayat - Rejected - Orders issued.

LOCAL SELF GOVERNMENT (EPA) DEPARTMENT

G.O.(Rt)No.818/2021/LSGD Dated, Thiruvananthapuram, 30/03/2021

Read 1 Government letter No. EPA2/48/2018/LSGD dated 26.08.2019.

2 Judgment dated 09.02.2021 in WP(C) 11501/2020 of the Hon'ble High Court of Kerala

3 Representation dated 28.2.2021 submitted by Sri. Sunil George.

ORDER

As per the representation read as 3rd paper above, Sri. Sunil George, the petitioner in WP(C) 11501/2020, has submitted a representation before the Government along with a copy of the Judgment read as 2nd paper above, requesting the Government that in view of the fact that two posts of pump operators are available in Kumaramputhur Gramapanchayat and the project is still in force and he had been serving for the last 10 years, a post of Pump Operator may be sanctioned and he may be regularized in service in the said post.

2. Sri. Sunil George was working as a Pump Operator on daily wages initially in Water Authority and subsequently the project was taken over by the Kumaramputhur Grama Panchayat in 2012 and he was continuing as such under the Panchayat. He was placed under suspension through Ext.P4 on the allegation that he and a certain Sri.Shibumon had committed misconduct by pilfering the assets of the Panchayat, particularly pipes intended for a Drinking Water Project. The petitioner took the stand that he was not involved in any such offence, even if it had been committed by Sri.Shibumon and that he has not been implicated as an accused in the consequent FIR registered. However, through Ext.P4, both Sri.Shibumon and the petitioner were placed under suspension, alleging that the former had conceded to his guilt, while that an assumption should be drawn that the latter was equally involved in the incident.

3. The Hon'ble High Court of Kerala in the Judgment read as 2nd paper above has ordered as follows -

" In the afore circumstances, I order this writ petition and set aside Ext.P10 and direct the Grama Panchayat to allow the petitioner to be engaged on daily wages, as he was done before Ext.P4 suspension. As a consequence, further allowing the petitioner liberty to approach the Government with a proper representation seeking regularization into one of the posts to be sanctioned on the recommendations of the Grama Panchayat; and if this is done, within a period of two weeks from the date of receipt of a copy of this judgment, the competent Authority of the Government will consider the same, in terms of law and issue an appropriate order thereon, as expeditiously as is possible, but not later than three months from the date on which such representation is received by them. In the meanwhile, if the Panchayat is interested in filling up the post of Pump Operator on daily wages pursuant to Ext.P15, they will be at liberty to do so, but they will keep one post vacant from the said process until such time as the Government passes an order on the representation to be made by the petitioner in terms of the afore directions "

4. The Hon'ble Court has set aside the suspension of the petitioner and directed the Panchayat to engage the petitioner on daily wages and the Panchayat can proceed to fill up the post of pump operators on daily wages but after keeping one post vacant till the Government passes orders on the representation of the petitioner. The petitioner submitted representation requesting Government to sanction a post of Pump Operator in Kumaraputhur Gramapanchayat and he may be regularized in service in the said post by considering his past 10 years service as pump operator.

5. Government have examined the matter in detail. The Kumaramputhur Gramapanchayat has taken over the Drinking water project from Kerala Water Authority with all its assets during November 2012 and allowed Sri. Shibumon and Sri. Sunil George, the then contract employees of Water Authority, as pump operators on daily wages. The Kumaramputhur Gramapanchayat vide decision No. 5/7 dated 03.01.2018 had requested Government to sanction two posts of Pump Operators and to regularize the daily waged employees, viz, Sri. Shibumon and the Petitioner Sri. Sunil George in the said posts. The Government after detailed examination has rejected the proposal of Kumarapuhur Gramapanchayat for regularization of two daily waged pump operators and as per letter read as 1st paper above, reply has been issued to the Panchayat. The post of Pump operator is not included in Panchayat Subordinate Service Rules and hence the qualification and method of appointment are not yet decided. As per GO(MS) 125/98/Ir.D dated 23.11.1998, the Government have issued guidelines for the transfer of existing schemes of Water Supply Projects to the Local Bodies and as per this Order, the Panchayat can engage technicians in accordance with the agreed procedure. The Panchayats are engaging temporary employees based on the instructions in the above Government Order.

6. The Government have already decided not to regularize the daily waged pump operators after creating posts, which include the petitioner Sri. Sunil George as well. Moreover, as per the directions in the Judgment of Hon'ble Supreme Court in Umadevi vs State of Karnataka, temporary employees cannot be regularized.

7. In the above circumstances, the representation read as 3rd paper above submitted by Sri. Sunil George for regularizing his service as pump operator after creating a post at Kumaramputhur Gramapanchayat is hereby rejected.

8. The Judgment read as 2nd paper above of the Hon'ble Hon'ble High Court of Kerala is complied with accordingly.

(By order of the Governor)

REMANI MATHEW
ADDITIONAL SECRETARY

Sri. Sunil George, 'Sunitha Nivas', Ethirpanam, Mannarkkad, Palakkad District

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Director of Panchayats, Thiruvananthapuram

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

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Section Officer

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