



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Judgement in WP (C) No. 3305/2021 filed by Smt. S. Chandrakumari, Sales Assistant (Rtd), KERAMS, Thiruvananthapuram before the Hon'ble High Court of Kerala – Complied with– Orders issued.

LOCAL SELF GOVERNMENT (IB) DEPARTMENT

G.O.(Ms)No.100/2021/LSGD Dated,Thiruvananthapuram, 03/06/2021

- Read 1 G.O. (Ms) No.87/2010/LSGD dt. 03.05.2010
- 2 GO (Rt) No.277/2020/LSGD dt. 02.02.2020
- 3 GO (Rt) No.1882/2020/LSGD dt. 12.10.2020.
- 4 Judgement dt. 09.02.2021 in WP (C) No. 3305/2021 filed by Smt. Chandrakumari, Sales Assistant (Rtd), KERAMS.
- 5 Submission dt. 14.05.2021 from Smt.Chandrakumari.
- 6 Letter No.25/KER/2021 dated 26.05.2021 from Member Secretary, KERAMS, Thiruvananthapuram.

ORDER

Smt. S. Chandrakumari, Sales Assistant (Rtd), KERAMS filed WP (C) No. 3305/2021 before the Hon'ble High Court of Kerala, with a prayer to consider and pass appropriate orders on her Ext.P5 representation submitted to the Government. The Hon'ble High Court as per judgement read as 3rd paper above ordered Secretary, LSGD to take up, consider and pass orders on Ext. P5 representation preferred by the Petitioner with notice to the petitioner as well as authorised representative of the 2nd Respondent within a period of three months from the date of receipt of a copy of the judgement.

Smt. Chandrakumari joined as Sales Girl in KERAMS from 14.12.1989 and retired on 31.05.2012. Her service was regularized w.e.f. 01.04.2009 as per G.O. read as 1st paper above and the post was re-designated as Sales Assistant. The Petitioner alleges that even though the service of similar employees was regularised and revised scale of pay was sanctioned, her request was not considered and hence Smt.Chandrakumari claims to get her service regularized w.e.f. 14.12.1989 (date of joining) and to get revised scale of pay at par with State Scale of pay and to sanction and disburse all the benefits to her.

A virtual hearing was offered to the Petitioner at 3.00 PM on 11th May, 2021 along with authorised officials of KERAMS. Subsequently, Smt.Chandrakumari submitted a detailed submission read as 5th paper above in which she reiterated her earlier request to regularize her w.e.f. 14.12.1989 (date of joining) with State Scale of Pay and to reckon the service from 14.12.1989 to 31.05.2012 with monetary benefits (including arrears).

Member Secretary, KERAMS submitted a detailed report read as 6th paper above on her submission. The summary of the Report is as follows;

As per Order No.RDMS-60/89 dt. 02.12.1989, three Sales Assistants including Smt. Chandrakumari were appointed on contract basis (on commission basis) for one year. The incumbents accepted the terms of appointment and joined / served in KERAMS. Their appointment was extended based on Governing Body decisions. Considering the stringent financial conditions of KERAMS at that time, no permanent appointment was made. Considering the service rendered by the contract staff, a proposal was submitted to Govt. for regularisation, including Smt. S. Chandrakumari. As per G.O. read as 1st paper above, Smt. S. Chandrakumari and Smt. S.Sobhanakumari (then Sales Girls) were regularised w.e.f. 01.04.2009 giving pre-revised scales and re-designating the post as Sales Assistants (They are getting EPF pension). Later, as per decision of the Governing Body held on 14.06.2019 retirement / terminal benefits were sanctioned to the first three out of the total five retired employees of KERAMS, as per G.O read as 2nd paper above which was subsequently revised as per G.O. read as 3rd paper above due to clerical error. Accordingly, the three retired employees including Smt.Chandrakumari received / availed the benefits from the available fund of KERAMS.

Regarding the contention about higher post offered to Smt.S. Umadevi, it is reported that Smt.S. Umadevi was given appointment as L.D.Clerk for three months on purely temporary basis on 05.05.1986. Eventhough she worked on temporary basis upto 19.11.1990, she was not regularised. The Governing Body met on 24.10.1990 found that she is "ineligible" for the post of L.D.Clerk and decided to create a new post of Sales Assistant and appointed her on humanitarian ground. Accordingly, the service of Smt.Umadevi was regularized w.e.f. 24.10.1990 vide Order No.RDMS-3-824/90 dt. 24.04.1991. Smt.Umadevi retired from KERAMS on 31.05.2019.

Furthermore, KERAMS is facing severe financial crunch. The sales / marketing of products have step on down due to Covid-19 pandemic situation. The financial assistance from Govt. have stopped since 2012-13 and this has worsened the situation. KERAMS couldn't remit the rent arrears due to TRIDA for it office / sales outlet rooms (in Palayam Saphalyam Complex, Thiruvananthapuram) and faced eviction process by TRIDA. Apart from this, KERAMS need to cater to the retirement benefits of other retired staff and a total liability of about Rs.80 Lakhs is estimated towards this.

Considering all the above aspects, Member Secretary, KERAMS reported that the allegations raised by Smt. S. Chandrakumari are out of merits and are not entitled to get any benefits than what was sanctioned / disbursed (Rs. 36,750/-) to her.

In the above circumstance the contention raised by the petitioner in Ext-P5 representation is devoid of merit and hence it is rejected and the judgement read as 4th paper above is complied with accordingly.

(By order of the Governor)
Jayasree M
Deputy Secretary

To:

The Advocate General, Kerala, Thiruvananthapuram (with covering letter).

Smt.S.Chandrakumari, Jawahar Mandiram, B.No.102, Masrine Lane, Vazhuthackad, Thycaud P.O., Thiruvananthapuram - 695 014.

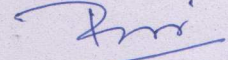
Member Secretary, KERAMS, PAU Office Compound, Vattiyoorckavu, Thiruvananthapuram.

The Commissioner of Rural Development, Thiruvananthapuram.

The Principal Accountant Kerala (A&E), Kerala, Thiruvananthapuram.

The Accountant Kerala (E&RSA/G&SSA), Kerala, Thiruvananthapuram.
The Executive Director, Information Kerala, Mission, Thiruvananthapuram.
Information & Public Relation (Web & New Media) Dept.
Stock File / Office Copy.

Forwarded /By order



Section Officer