



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Urban Affairs Department - Establishment – Order dated 26.10.2015 of the Hon'ble High Court in IA 14146/15 in WP (C) No.24701/15(G) filed by Sri. P.K. Narayanan-Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

G.O.(Rt).No:1848 /2016/LSGD Dated, Thiruvananthapuram, 04 /06/2016.

- Read:- 1. Judgment dated 27.03.2015 in WP (C) No.24701/15 filed by Sri. P.K. Narayanan.
- 2.Order dated 26.10.2015 of the Hon'ble High Court in IA 14146/15 in WP (C) No.24701/15 (G) filed by the Director of Urban Affairs and State of Kerala -with address for Service -Secretary Local Self Government Department.
- 3.Letter No. 7791/15 dated 31.05.2016 from the Director of Urban Affairs.

ORDER

The Hon'ble High Court in the judgment read as 1st paper above has directed 3rd respondent , Director of Urban Affairs to take into consideration the request contained in Ext P5 and P6 afresh and consider the applicability of Rule 14A in the facts and circumstances of the case and pass orders within a period of 6 weeks from the date of the certified order of the judgment. (Exbt. P5 and P6 are the letter from the Secretary, Vadakara Municipality and the Council decision of the Vadakara Municipality respectively requesting for regularising the temporary service of Sri. P.K. Narayanan, Lorry Driver, Vadakara Municipality from 08.03.1982 to 10.04.1991 as contingent employee). The 3rd respondent shall bestow his anxious consideration to the case of the petitioner taking into consideration to the above statutory provision with all sympathies due to a retired low paid employee like the petitioner. It is further ordered that the request of the petitioner for necessary revision in the Exbt P8 Pension Payment Order may also be considered by the 3rd respondent and orders if necessary, in that regard by the 3rd respondent and /or the 1st or 2nd respondent as the case may be within a further period of 6 weeks. This shall be duly communicated to the petitioner and the consequential revised terminal benefits if any shall be sanctioned and disbursed to the petitioner within a further period of 6weeks .

2.Meanwhile in the Correction Petition IA 14146/15 in WP (C) No.24701/15(G) filed by the Director of Urban Affairs with prayer that the

appropriate directions may be issued to ensure that the responsibility for compliance of judgment is with the 4th respondent, Government, instead of the 3rd respondent, Director of Urban Affairs, the Hon'ble High Court as per its order read as 2nd paper above has ordered that in the interest of justice that the extension of time by two months from the date of receipt of the copy of this order shall be time limit within which time the directions in the judgment shall be complied with by the 4th respondent, Government.

3. Director of Urban Affairs in the letter read as 3rd paper above has reported that Sri. P.K Narayanan was appointed as lorry cleaner in Vadakara Municipality on temporary basis through employment exchange with effect from 08.03.1982 and was made permanent as per the GO (Rt) 1369/91/LSGD dated 22.03.1991, according sanction to appoint the petitioner as Lorry Cleaner by including the post in the contingent category. The request of for regularising the temporary service of Sri. P.K. Narayanan, Lorry Driver, Vadakara Municipality from 08.03.1982 to 10.04.1991 has been rejected by Government vide Letter No. 8837/EU3/07/LSGD dated 15.09.2008 in view of the fact that the GO (Rt) 1369/91/LSGD dated 22.03.1991 according sanction to appoint the petitioner as Lorry Cleaner by including the post in the contingent category does not have retrospective effect and hence the appointment of Sri. P.K. Narayanan in the permanent post had effect from the date of regular appointment ie, from 10.04.1991 only. The Director of Urban Affairs has requested Government to consider the request of Sri. P.K.Narayanan positively.

4. Government have examined the matter in detail. Considering the circumstances that the appointment of the petitioner was made by Vadakara Municipal Council on temporary basis and his appointment was made permanent in accordance with the GO (Rt) 1369/91/LSGD dated 22.03.1991 which does not have retrospective effect, the appointment of Sri. P.K. Narayanan in the permanent post had effect from the date of his regular appointment ie, from 10.04.1991 only. Moreover, Sri. P.K Narayanan had served in a contingent post and hence Rule 14 A of Part III KSR is not applicable to him. In the above circumstance the prayer of the petitioner to reckon the period of his temporary service from 08.03.1982 to 10.04.1991 for pensionary benefits is rejected and the Order of the Hon'ble High Court read as 2nd paper above is complied with accordingly.

(By order of the Governor)

T.K. JOSE IAS
Principal Secretary to Government

To

The ~~A~~dvocate General, Ernakulam
The ~~A~~ccountant General (A&E), Thiruvananthapuram.

The Director of Urban Affairs, Thiruvananthapuram.
Sri. P.K. Narayanan, Puthiyadath, Thazhkuniyil House, Meppayil,
Vatakara Taluk, Kozhikode.

The Secretary, Vatakara Municipality.

The Director, Information Kerala Mission, Thiruvananthapuram
Finance Department (vide UO no. ww1/104/2016/Fin dated 03.06.2016.
Stock file

Forwarded/By order



Section Officer