



GOVERNMENT OF KERALA

Abstract

Local Self Government Department- Wp(c) 6859/2013 filed by Smt.Nethravathy, Part Time Sweeper, District Suchitwa Mission, Kasargode – Judgement – Complied with - Orders issued.

LOCAL SELF GOVERNMENT (IA) DEPARTMENT

G.O.(Rt) No.2910/2016/LSGD

Dated, Thiruvananthapuram,19/10/2016.

Read:- 1. GO (P) No. 501/2005/Fin dated 25.11.2005

2. Representation dated 04.12.2012 from Smt. Nethravathy, Part-time Sweeper, Office of the District Co-ordinator, District Suchithwa Mission, Kasargodu.(Ext P4)

3. Judgement dated 08/01/2016 in WP(C) No. 6859/2013 of the Hon'ble High Court of Kerala, Eranakulam.

4. Letter No. 514/2015/SM dated 21.04.16 from the Executive Director, Suchitwa Mission.

ORDER

1. Smt. Nethravathy, Part-time Sweeper, Office of the District Co-ordinator, District Suchithwa Mission, Kasargodu has filed WP(C) with No.6859/2013 before the Hon'ble High Court of Kerala praying for a direction to regularise her with regular scale of pay. The Hon'ble High Court of Kerala in its Judgment read as 3rd paper read above directed the first respondent, Government to take necessary action on petitioner's request for regularisation based on Exhibit P4 within a period of two months and consequently grant all benefits attached to such regularisation in terms of Ext.P 1, within a further period of three months from the date of receipt of a copy of the judgment.

2. The prayer of the petitioner in Exhibit P4, as per paper read as 2nd above is that she was engaged as Part Time Sweeper in the O/o the District Mission Co-Ordinator, Suchitwa Mission, Kasargode w.e.f 01.4.2002 and hence to regularise her w.e.f her date of engagement., in the strength of Exhibit P1, read as 1st paper above.

3. The Government have examined the matter in detail. The petitioner Smt.Nethravathy has been working as sweeper on casual basis in the office of District Mission Kasaragod, since April 2002. The petitioner has not been appointed as regular part time sweeper in the Suchitwa Mission Office. She is working as casual sweeper only on temporary basis. District Suchitwa Mission is the nodal agency for implementation of Central and State sponsored schemes under sanitation and waste management and its staff are of temporary nature and

their salary is being paid from the administrative cost under Swachh Bharat Mission (Gramin). All the staff in the Mission are appointed either by deputation from Government Departments or on temporary basis, viz, Casual, Contract, Daily wages etc. Their appointment will be automatically ceased on completion of their period or on stoppage of their stipulated service period. The request of the petitioner for regularizing her in Suchitwa Mission cannot be considered as there are no sanctioned post of part time sweeper in the District Suchitwa Mission Kasargod. Presently the pay and allowances of the personnel engaged in District Suchitwa Mission on daily wages including that of the casual sweeper is met from the allowable administrative cost under the Centrally Sponsored Scheme Swachh Bharat Mission (Gramin).

4. Moreover, the Suchitwa Mission is a temporary establishment registered under the Travancore Cochin Literary Scientific and Charitable Societies Act 1955, which did not attract the provisions contained in the Exhibit P1 Govt. Order. The request made by the petitioner is also not admissible in view of the observations made by the Hon. Supreme Court in the Umadevi Vs State of Karnataka.

5. In the circumstances, the request of the petitioner in Exhibit P4 is devoid of merits and is hence rejected.

6. The judgment of the Hon'ble High Court, read as paper 3rd above is thus complied with.

(By order of the Governor)
T.K.JOSE
Principal Secretary to Government

To

Smt. Nethravathy, Part-time Sweeper, Office of the District Co-ordinator.
District Suchithwa Mission, Kasargodu.(Registered Post
with Acknowledgment Due)

The Executive Director, Suchithwa Mission, Thiruvananthapuram.

The Advocate General, Ernakulam (with C/L)

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram

The Accountant General (A&E)/LBA) Kerala, Thiruvananthapuram.

✓The Executive Director, IKM, Thiruvananthapuram.

SF/OC.

Forwarded /By Order


Section Officer

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