



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Order in TA No.47/2015 filed by Smt.Sheela K.E., Part Time Casual Sweeper, District Mission Office, Kudumbashree, Civil Station, Kuyilmala, Painav, Idukki before the Hon.KAT - complied with - Orders issued.

LOCAL SELF GOVERNMENT (IA) DEPARTMENT

G.O.(Rt)No.747/2017/LSGD.

Dated,Thiruvananthapuram, 18/03/2017

- Read : 1. GO(P) No.501/2005/Fin dated 25.11.2005
2. GO (Rt) 894/2006/LSGD dated 29.03.2006
3. Govt. letter No. 61060/IA1/08/LSGD dated 24.01.2009
4. GO(Rt)1716/08/LSGD dated 13.6.2008
5. Order dated 9/11/2015 in TA No.47/15 of Hon'ble
KAT,Thiruvananthapuram
6. Representation dated 15.6.2016 from Smt.Sheela K.E.,Part Time Casual
Sweeper, Dist. Mission Office, Kudumbashree, Idukki
7. Letter No.3634/E1/2007/KSHO dated 08.07.2016 from the
Exe.Director, Kudumbashree,Thiruvananthapuram

ORDER

1. In the order read as 5th paper above, the Hon'ble Kerala Administrative Tribunal in TA 47/2015 [WP(c) 6235/09 of the Hon'ble High Court of Kerala filed by Smt. Sheela K.E., Part Time Casual Sweeper, District Mission Office, Kudumbashree, Civil Station, Kuyilmala, Painav, Idukki, has directed the 1st respondent to consider Ext P3 and pass appropriate orders in the light of Ext P4 with notice to the applicant.

2. Exhibit P3 is the application for creation of a post of PT Contingent Sweeper in Kudumbashree Idukki submitted by the DMC, Idukki. Exhibit P4, is the Govt. Order read as 4th paper above, wherein the service of Sri.C.A.Mustafa, a Part Time Sweeper in District Mission Office, Wayanad was regularised in the post of Part Time Sweeper created in the office as per GO read as paper 2nd above. As ordered by the Hon'ble KAT, the petitioner was heard on 07.10.2016. The contention raised by the petitioner is that she is entitled for regularisation on the basis of the GO read as 1st paper above.

3. The Ext P4 application submitted by DMC, Idukki was already examined by the Government and as per Government letter read as 3rd paper above, the Executive Director, Kudumbashree was directed to continue the existing practice in the case of appointment of Part Time Sweeper in Kudumbashree District Mission Office, Idukki as the proposal of creation of post of Part Time Sweeper cannot be considered.

4. The Govt. have examined the matter in detail in relation to the report furnished by the Executive Director, Kudumbashree as per paper read as 7th above. The State Poverty Eradication Mission (SPEM) is a mission registered under the Literary, Scientific and Charitable Societies Act 1955. It is a joint programme of the Government of Kerala and NABARD implemented through Community Development Societies (CDS) of poor women serving as the community wing of the Local Governments. The GO read as 1st paper above pertains to the creation of posts of PTS in Government Departments and the SPEM does not attract the provisions of the said Government Order. All the staff of the Mission are being 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 the stipulated period. The request of the petitioner for regularising her in the Kudumabashree cannot be considered as there are no sanctioned posts in the Kudumabashree District Mission Office, Idukki. The request made by the petitioner is also not admissible in view of the observations made by the Hon'ble Supreme Court of India in its judgment dated 10.04.2006 in the Umadevi Vs State of Karnataka case.

5. In the above circumstances, the request of the petitioner cannot be considered and is hence rejected.

6. The order of the Hon'ble Kerala Administrative Tribunal as per paper 5th read above is thus complied with.

(By order of the Governor)

T.K.JOSE

Principal Secretary to Government

To

Smt.Sheela K.E., Part Time Casual Sweeper, O/o Dist.Mission Co-Ordinator,
Kudumbashree, Idukki (Reg.with Acknowledgment Due)

The Executive Director,Kudumbashree

The Hon'ble KAT,Thiruvananthapuram (with C/L)

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram

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

✓ The Executive Director,IKM, Thiruvananthapuram

✓ SF/OC

Forwarded/By Order



Section Officer