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GOVERNMENT OF KERALA

Abstract

Water Resources Department – Establishment – Order of the Hon'ble Kerala Administrative Tribunal in OA 1976/2015 – Complied with - Orders issued.

WATER RESOURCES (A) DEPARTMENT

G.O.(Ms)No.78/2017/WRD

Dated, Thiruvananthapuram, 24/09/2017.

Read:- 1)G.O(Ms)No.06/2013/WRD dated 16/01/2013.  
2)Order of the Hon'ble Kerala Administrative Tribunal in OA 1976/2015 dated 13/12/2016.  
3)Letter No.C5-37524/2015 dated 27/04/2017 of the Chief Engineer(I&A), Thiruvananthapuram.

ORDER

Sri.M.R.Pushkaran and others, HR Workers in Irrigation Department filed OA 1976/2015 before the Hon'ble Kerala Administrative Tribunal praying for a direction to regularise them as SLR Workers.

2) The Hon'ble Kerala Administrative Tribunal in the order read as 2<sup>nd</sup> paper above directed the 1<sup>st</sup> respondent to regularise the applicants as SLR Workers within a period of three months from the date of receipt of a copy of the order.

3) The Chief Engineer(I&A) as per the letter read as 3<sup>rd</sup> paper above has reported that the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> applicants have entered as HR Workers on 01/01/1991, 16/10/1990 and 01/09/1991 respectively. They had worked as HR Workers for 1963, 1843 and 1587 days respectively. Therefore they have more than ten years of service. The Executive Engineer has reported that the applicants are engaged in different LI Schemes in Irrigation Department. Moreover since continuous service is not a criteria for regularisation as per Government Order read as 1<sup>st</sup> paper above, the Hon'ble Kerala Administrative Tribunal in OA 1210/2013 filed by Sri.Madhusoodanan Pillai and others observed that break in service cannot be considered as a disqualification.

4) Government have examined the matter in detail and are pleased to regularise the applicants in the OA 1976/2015, Sri.M.R.Pushkaran, Sri.Joseph M.R. and Sri.K.B.Aruldas as SLR Workers with effect from 16/01/2013, subject to the condition that the monetary benefits will be effected from the date of issuance of the order.

5) The order of Hon'ble Kerala Administrative Tribunal read as 2<sup>nd</sup> paper above is complied with accordingly.

(BY ORDER OF THE GOVERNOR)

**TINKU BISWAL**

**Secretary to Government**

To

The persons concerned (Through Chief Engineer (I&A), Thiruvananthapuram)  
The Chief Engineer (I&A), Thiruvananthapuram.  
The Advocate General, Kerala, Ernakulam/Thiruvananthapuram (with covering letter).  
The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.  
The Accountant General(A&E), Kerala, Thiruvananthapuram/Thrissur.  
The General Administration(SC)Department(Vide Item No.1466 dated 20/09/2017)  
The Finance Department(Vide U.O(R)No.520718/Ind&PWB3/17/Fin. Dated 25/07/2017).  
The Information Officer, Web & New Media Division, Information & Public Relations  
Department.  
Stock File/O.C.

Copy to:--PS to Minister, Water Resources Department

Forwarded By Order



Section Officer.

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കേരള സർക്കാർ

മന്ത്രിസഭായോഗത്തിന്റെ നടപടിക്കുറിപ്പുകൾ

തീയതി : 20-09-2017

ഫയൽ നം.1101633/എ2/2016/ജ.വി.വ.

ഇനം നം: 1446

വിഷയം : ജലവിഭവ വകുപ്പ് - ജലസേചന വകുപ്പിലെ എച്ച്.ആർ. തൊഴിലാളികളായ ശ്രീ. എം.ആർ. പുഷ്കരൻ, ശ്രീ. അരുൺദാസ് കെ.ബി., ശ്രീ. ജോസഫ് എം.ആർ. എന്നിവരെ എസ്.എൽ.ആർ. വർക്കർമാരായി റഗുലറൈസ് ചെയ്യുന്നത്.

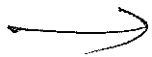
തീരുമാനം : കുറിപ്പിലെ നിർദ്ദേശം അംഗീകരിച്ചു.

(ഒപ്പ്)  
പിണറായി വിജയൻ  
മുഖ്യമന്ത്രി

(ശരിപ്പകർപ്പ്)

ഡോ. കെ.എം. എബ്രഹാം  
ചീഫ് സെക്രട്ടറി

സെക്രട്ടറി, ജലവിഭവ വകുപ്പ്.



Handwritten notes: 23/9, 23/9

**GOVERNMENT OF KERALA**  
**(SHRI. PINARAYI VIJAYAN MINISTRY)**  
**Note for the Council of Ministers**

1. File No. 1101633/A2/2016/WRD
2. Department Water Resources (A) Department
3. Subject Proposal for regularisation of Sri.M.R.Pushkaran, Sri.Aruldas K.B. and Sri.Joseph M.R., HR Workers of Irrigation Department as SLR Workers - Reg:-
4. Date of Chief Minister's order for placing before the Council 23/08/2017
5. (i) Does the case involve financial commitments/implications Yes  
(ii) If the answer to the above is in the affirmative, whether Finance Dept. been consulted and their remarks incorporated in the Council Note. Yes
6. Are any other departments concerned with the case and if so, have they been consulted and their remarks incorporated in the Note for the Council No.
7. Name of Joint Secretary who submitted the Draft Note. Smt.Seenathu Beevi S.
8. Name of Secretary who approved the Draft Note. Smt.Tinku Biswal
9. Date of approval of the Draft note for the Council by the Secretary. 15/09/2017
10. Name of Chief Secretary who approved the Draft Note. Dr.K.M.Abraham
11. Date of approval of the Draft Note for the Council by the Chief Secretary. 18/09/2017
12. Name of Minister who approved the Draft note. Sri.Mathew T.Thomas
13. Date of approval of the Draft Note for the Council by the Minister 19/09/2017
14. Date of Submission of Fair Copies 19/9/17
15. Date of decision by the Council of Ministers.
16. Number and date of the G.O./letter communicating the decision.

## NOTE FOR THE COUNCIL OF MINISTERS

The subject matter of this note is regarding regularisation of Sri.M.R.Pushkaran, Sri.Aruldas K.B. and Sri.Joseph M.R., HR Workers of Irrigation Department as SLR Workers in compliance to the order of Hon'ble Kerala Administrative Tribunal in OA No.1976/2015 dated 13/12/2016.

2) Sri.M.R.Pushkaran and others, the HR Workers of Irrigation Department have filed OA 1976/2015 before the Hon'ble Kerala Administrative Tribunal praying to give direction to regularise them as SLR workers.

3) The Hon'ble Kerala Administrative Tribunal considered the case on 13/12/2016 and directed the 1<sup>st</sup> respondent to regularise the applicants as SLR Workers within a period of three months.

4) The HR Workers who satisfied the following conditions were regularised as SLR Workers as per G.O(Ms) No.6/13/WRD dated 16/01/2013.

a) Should have completed 500 days of service as on 01/01/2011.

b) Should have completed 10 years of service as on 01/01/2011.

c) Should be in service as HR/CLR Worker presently

d) Should not have completed 58 years of age as on 01/01/2011.

5) As per the records furnished by Chief Engineer(I&A), Sri.M.R.Pushkaran, Sri.Joseph M.R. and Sri.K.B.Aruldas have entered as HR Workers on 01/01/1991, 16/10/1990 and 01/09/1991 respectively. They had worked as HR Workers for 1963, 1843 and 1587 days respectively. Therefore they have more than ten years of service. However, they did not have

continuous service, a condition insisted upon by Government for regularisation. Hence, the applicants were not regularised. The Executive Engineer has reported that the applicants are engaged in different LI Schemes in Irrigation Department.

6) Since the Hon'ble Tribunal has negated the interpretation of Condition 2 of G.O(Ms)No.06/13/WRD dated 16/01/2013 requirement of "10 years of service" as " 10 years of continuous service" vide judgment dated 26/03/2014 in OA No.1210/13, Government have since amended the Condition No.2 in G.O(Ms)No.06/2013/WRD vide G.O(Ms) No.18/2017/WRD dated 07/04/2017 as follows:-

"(b)Should have completed 10 years of continuous service as on 01/01/2011. Should have engaged in HR/CLR work for a few days every year during the said period."

7) As the Law Department has informed in another file that the amendment condition as per G.O(Ms)No.18/2017/WRD dated 07/04/2017 is applicable only with prospective effect, the order dated 7/4/2017 is not applicable to the applicants in this OA for regularisation as SLR Workers.

8) When consulted the Finance Department has remarked as follows:-

"ബഹു.ട്രൈബ്യൂണലിന്റെ ഉത്തരവിന്റെ വെളിച്ചത്തിൽ, 16/01/2013 ലെ സ.ഉ.(എം.എസ്) നം.6/13/ജവിവ ഉത്തരവിലെ മാനദണ്ഡങ്ങൾ ശ്രീ.എം.ആർ.പുഷ്കരൻ, ശ്രീ.ജോസഫ്, എം.ആർ, ശ്രീ.കെ.ബി.അശ്വതി ദാസ് എന്നിവർ പാലിച്ചിട്ടുണ്ടെന്ന് വ്യക്തമുള്ള പക്ഷം ഉത്തരവ് തീയതി മുതൽ മാത്രമേ സാമ്പത്തിക ആനുകൂല്യം ലഭ്യമാകുകയുള്ളൂ എന്ന വ്യവസ്ഥയിൽ 16/01/2013 തീയതി പ്രാബല്യത്തിൽ ടി വ്യക്തികളെ എസ്.എൽ.ആർ വർക്കർമാരായി റെഗുലറൈസ് ചെയ്യാവുന്നതാണെന്ന ഭരണ വകുപ്പ് ശുപാർശ ധനവകുപ്പ് അംഗീകരിക്കുന്നു."

9) In the above circumstances, in order to comply the order of Hon'ble Kerala Administrative Tribunal in OA 1976/2015, the applicants Sri.M.R.Pushkaran, Sri.Joseph M.R. and

Sri.K.B.Aruldas have to be regularised as SLR Workers with effect from 16/01/2013 subject to the condition that the monetary benefits will be effected from the date of issuance of the order.

10) When circulated, the Hon'ble Chief Minister has ordered to place the matter before the Council of Ministers.

### **Point for Decision**

Whether Sri.M.R.Pushkaran, Sri.Aruldas K.B. and Sri.Joseph M.R., the HR Workers of Irrigation Department may be regularised as SLR Workers with effect from 16/01/2013 subject to the condition that the monetary benefits will be effected from the date of issuance of the order so as to comply the order of Hon'ble Kerala Administrative Tribunal in OA 1976/2015?