

18060

17/8/17



GOVERNMENT OF KERALA

Abstract

Water Resources Department – Establishment – Order of the Hon'ble Kerala Administrative Tribunal in OA (EKM)911/2015– Complied with - Orders issued.

WATER RESOURCES (A) DEPARTMENT

G.O.(Ms)No.67/2017/WRD

Dated, Thiruvananthapuram, 11/08/2017.

- Read:- 1)G.O(Ms)No.06/2013/WRD dated 16/01/2013.  
2)Order of the Hon'ble Kerala Administrative Tribunal in OA (EKM)911/2015 dated 20/10/2016.  
3)Letter No.C5-35363/2014 dated 24/12/2016 of the Chief Engineer(I&A), Thiruvananthapuram.

ORDER

Sri.Vikramakurup S & others filed OA(EKM)911/2015 before the Hon'ble Kerala Administrative Tribunal praying for a direction to the respondents to include their names in the list of eligible employees for appointment as SLR Workers and to regularise them as SLR Workers.

2) The applicants claim that they were working as HR Employees on temporary basis under the Office of the Assistant Executive Engineer, MI Section, Mavelikkara. They joined duty as HR employees on 14/03/1988, 10/02/1993 and 10/03/1991 respectively and all of them have put in more than 20 years as Pump Operator, Cleaner, Canal Watchman etc. They are still continuing as HR Workers.

3) The Hon'ble Kerala Administrative Tribunal in the order dated 20/10/2016 declared that the applicants are entitled for the benefit of Annexure A4 Government Order and appropriate orders will be passed by the Government within a period of two months from the date of receipt of a certified copy of the order and consequential benefits also will be sanctioned to the applicants. They will be granted the benefit of regularisation from the date of Annexure A4 ie, Government Order read as 1<sup>st</sup> paper above.

4) The Chief Engineer (I&A) as per the letter read as 3<sup>rd</sup> paper above has informed that since the applicants do not satisfy the Condition No.2 in the Government Order read as 1<sup>st</sup> paper above, they are not eligible for regularization and has requested Government to take appropriate decision in the matter.

5) On verifying the documents furnished by the Chief Engineer (I&A), all applicants in the OA entered in HR service on 14/03/1988, 10/02/1993 and 10/03/1991 respectively. Hence they have more than 10 years and 500 days of HR service and they had not crossed 58 years of age as on 01/01/2011. 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.

6) Government have examined the matter in detail and are pleased to regularise the applicants in the OA(EKM)No.911/2015, Sri.Vikramakurup S., Sri.Sankarakurup V.N. and Sri.Santhosh Kumar V.G. 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 order.


7) 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 (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.1322 dated 09/08/2017)  
The Law Department(Vide U.O(R)No.4343/Opi F3/2017/Law dated 14/03/2017).  
The Finance Department(Vide U.O(R)No.47394/Ind&PWB3/17/Fin. Dated 15/06/2017).  
✓ The Information Officer, Web & New Media Division, Information & Public Relations  
Department.  
Stock File/O.C.

Forwarded/ By Order

  
Section Officer.

dh

35/



രഹസ്യം

52

**കേരള സർക്കാർ**  
**മന്ത്രിസഭായോഗത്തിന്റെ നടപടിക്കുറിപ്പുകൾ**

**തീയതി : 09-08-2017**

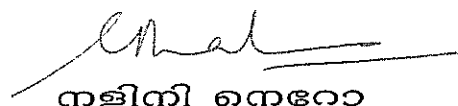
ഫയൽ നം.1026219/എ2/2016/ജ.വി.വ.

ഇനം നം: 1322

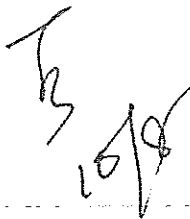
വിഷയം : ജലവിഭവ വകുപ്പ് - ജലസേചന വകുപ്പിലെ എച്ച്.ആർ. വർക്കർമാരായ ശ്രീ. വിക്രമകുറുപ്പ് എസ്., ശ്രീ. ശങ്കരകുറുപ്പ് വി.എൻ., ശ്രീ. സന്തോഷ് കുമാർ വി.ജി. എന്നിവരെ എസ്.എൽ.ആർ. വർക്കർമാരായി റഗുലറൈസ് ചെയ്യുന്നത്.

തീരുമാനം : കുറിപ്പിലെ നിർദ്ദേശം അംഗീകരിച്ചു.

(ഒപ്പ്)  
പിണറായി വിജയൻ  
മുഖ്യമന്ത്രി  
(ശരിപ്പകർപ്പ്)

  
നളിനി നെറ്റോ  
ചീഫ് സെക്രട്ടറി

സെക്രട്ടറി, ജലവിഭവ വകുപ്പ്.

  
10/8

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

- |     |  |   |
|-----|--|---|
| 1.  | File No.   | 1026219/A2/2016/WRD   |
| 2.  | Department   | Water Resources (A) Department  |
| 3.  | Subject  | Proposal for regularisation of Sri.Vikramakurup S., Sri.Sankarakurup V.N. and Sri.Santhosh Kumar V.G., HR Workers in Irrigation Department as SLR Workers - Reg:- |
| 4.  | Date of Chief Minister's order for placing before the Council  | 18/07/2017  |
| 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 | Yes, Law Department   |
| 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.   | 29/07/2017  |
| 10. | Name of Chief Secretary who approved the Draft Note.   | Smt.Nalini Netto  |
| 11. | Date of approval of the Draft Note for the Council by the Chief Secretary.   | 31/07/2017  |
| 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   | 02/08/2017  |
| 14. | Date of Submission of Fair Copies  | 03. 08. 2017  |
| 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 the regularisation of Sri.Vikramakurup S., Sri.Sankarakurup V.N. and Sri.Santhosh Kumar V.G., HR Workers in compliance to the orders of Hon'ble Kerala Administrative Tribunal in OA(E)911/2015 dated 20/10/2016.

2) The applicants filed this OA praying for a direction to the respondents to include the names of the applicants in the list of eligible employees for reappointment as SLR Workers and to regularise them as SLR Workers.

3) The applicants claim that they were working as HR Employees on temporary basis under the Office of the Assistant Executive Engineer, MI Section, Mavelikkara. They joined duty as HR employees on 14/03/1988, 10/02/1993 and 10/03/1991 respectively and all of them have put in more than 20 years as Pump Operator, Cleaner, Canal Watchman etc. They are still continuing as HR Workers.

4) The Hon'ble Kerala Administrative Tribunal in the order dated 20/10/2016 declared that the applicants are entitled for the benefit of Annexure A4 Government Order and appropriate orders will be passed by the Government within a period of two months of the date of receipt of a certified copy of the order and consequential benefits also will be sanctioned to the applicants. They will be granted the benefit of regularisation from the date of Annexure A4 order.

5) In this connection it may be noted that as per Annexure A4 Order viz G.O(Ms)No.6/13/WRD dated 16/01/2013 Government have regularised 834 HR/CLR Workers in the Irrigation Department based on the following criteria:-

- 1.Should have completed a minimum of 500 days of service as on 01/01/2011.
- 2.Should have completed 10 years of service as on 01/01/2011.
- 3.Should be presently working as HR/CLR Worker in the Department.
- 4.Should not have completed 58 years of age as on 01/01/2011.

6) Since the 1<sup>st</sup> applicant did not work in the years 2006, 2007, 2008, 2009, the 2<sup>nd</sup> applicant did not work in the years 2006 and 2009 and 3<sup>rd</sup> applicant did not work as HR from 2006 to 2010, Government rejected the request of the applicants for regularisation as SLR Workers vide G.O(Rt)No.475/2015/WRD dated 12/06/2015 (Annexure A12).

7) The Chief Engineer (I&A) informed that since the applicants do not satisfy the Condition No.2 mentioned above, they are not eligible for regularization and has requested Government to take appropriate decision in the matter.

8) On verifying the documents furnished by the Chief Engineer (I&A), it is seen that the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> applicants entered in HR service on 14/03/1988, 10/02/1993 and 10/03/1991 respectively. Hence they have more than 10 years and 500 days of HR service and they had not crossed 58 years of age as on 01/01/2011. Moreover in compliance to OA 1210/2013, Government vide G.O(Rt) No.1141/2014/WRD dated 04/12/2014 have regularised Sri.C.C.Madhusoodanan Pillai & others, the applicants in the said OA as SLR Workers. Since the applicants are now working as HR workers in the department, they are entitled to be regularised as SLR Workers.

9) When consulted, the Law Department has remarked as follows:-

“HR വർക്കർമാരെ SLR ആയി മാറ്റി നിയമിക്കുന്നതിനായി നിലവിലുള്ള ഉത്തരവനുസരിച്ച്/മാനദണ്ഡമനുസരിച്ച് അത്തരം നിയമനങ്ങൾ നടത്തുന്നത് ഉമാദേവി കേസിൽ ബഹു.സുപ്രീം കോടതി വിധിയുടെ അനുസരണത്തിന് വിരുദ്ധമല്ല എന്ന് ഭരണവകുപ്പിനെ അറിയിക്കുന്നു”.

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

“ 'Finance' agrees with the views of Administrative Department at Para 27 NF”.

11) In Para 27 n.f. it was suggested to regularise the applicants as SLR Workers with effect from 16/01/2013 ie; the date of issuance of G.O(Ms)No.06/13/WRD subject to the condition that the monetary benefits will be effected from the date of issuance of order with the concurrence of Finance Department.

12) Later Government vide G.O.(Ms)No.18/2017/WRD dated 07/04/2017 have amended the Condition No.2 in G.O(Ms)No.06/2013/WRD dated 16/01/2013 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.”

13) In File No.786060/A2/16/WRD dealing with OA No.1604/16 filed by Sri.C.A.Hameed & others for regularisation as SLR Workers, the Law Department has informed that the amendment order is applicable only with prospective effect.

14) In the above circumstances since the amendment order G.O(Ms)No.18/2017/WRD is applicable with prospective effect, in order to comply the order of Hon'ble Kerala Administrative Tribunal, the applicants in the OA(E) 911/2015

viz. Sri.Vikramakurup S., Sri.Sankarakurup V.N. and Sri.Santhosh Kumar V.G. should be regularised as SLR Workers with effect from 16/01/2013 ie; the date of issuance of G.O(Ms)No.06/13/WRD subject to the condition that the monetary benefits will be effected from the date of issuance of order.

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

### **Point for Decision**

Whether the HR Workers, Sri.Vikrama Kurup S., Sri.Sankara Kurup V.N. and Sri.Santhosh Kumar V.G. applicants in OA(E)911/2015 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 order?