

19461

14/9/17



GOVERNMENT OF KERALA

Abstract

Water Resources Department – Establishment – Order of the Hon'ble Kerala Administrative Tribunal in OA 353/2017 – Complied with - Orders issued.

WATER RESOURCES (A) DEPARTMENT

G.O.(Ms)No.69/2017/WRD

Dated, Thiruvananthapuram, 26/08/2017.

Read:- 1)G.O(Ms)No.06/2013/WRD dated 16/01/2013.
2)Order of the Hon'ble Kerala Administrative Tribunal in OA 353/2017 dated 23/02/2017.
3)Letter No.C5-12508/2017 dated 03/04/2017 of the Chief Engineer(I&A), Thiruvananthapuram.

ORDER

Sri.K.P.Joy filed OA 353/2017 before the Hon'ble Kerala Administrative Tribunal praying for a direction to regularise him as SLR Worker with effect from 16/01/2013 with all consequential benefits.

2) The Hon'ble Kerala Administrative Tribunal in the order read as 2nd paper above directed to consider and pass orders on Annexure A5 representation in accordance with law, in the light of the findings in Annexure A4 order passed by the Tribunal, after hearing the applicant within a period of three months from the date of receipt of a copy of the order.

3) As directed by the Hon'ble Kerala Administrative Tribunal the applicant was heard on 04/04/2017.The applicant submitted that he entered service in the Department way back in 1998 as HR Worker and has satisfied all the eligibility criteria to be regularised as SLR Worker. He was included in the Seniority List of 1740 HR/CLR/SLR Workers, submitted to Government for absorption as SLR Worker. But his name did not find a place when Government Order read as 1st paper above was issued. He also submitted that his colleagues who have the same record of service were absorbed as SLR Workers through various Court Orders. He admitted that there was break in service during the years 2000, 2001, 2002 and he said that it was not due to his fault but due to stoppage of his work as HR Worker by concerned authorities in the Department.

4) The Chief Engineer(I&A) as per the letter read as 3rd paper above has reported that the applicant had not completed 10 years of service as on 01/01/2011 due to break in service during the years 2000, 2001 and 2002. But the applicant had produced records to prove that he had completed 1515 days of service as on 01/01/2011 despite the break from years 2000 - 2002. Moreover, since continuous service is not a criteria for regularisation as per Government Order read as 1st 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.

5) Government have examined the matter in detail and are pleased to regularise the applicant in the OA353/2017, Sri.K.P.Joy as SLR Worker with effect from 16/01/2013 subject to the condition that the monetary benefits will be effected from the date of issuance of order.

6) The order of Hon'ble Kerala Administrative Tribunal read as 2nd paper above is complied with accordingly.

(BY ORDER OF THE GOVERNOR)
TINKU BISWAL
Secretary to Government

To

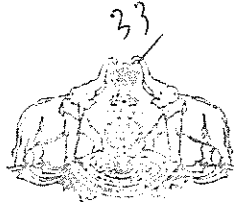
The persons concerned (Through Chief Engineer (I&A),Thiruvananthapuram)
The Chief Engineer (I&A),Thiruvananthapuram.
The Advocate General, Kerala, Ernakulam/Thiruvananthapuram (with covering letter).
The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.
The Accountant General(A&E), Kerala,Thiruvananthapuram/Thrissur.
The General Administration(SC)Department(Vide Item No.1388 dated 23/08/2017)
The Finance Department(Vide U.O(R)No.477666/Ind&PWB3/17/Fin. Dated 06/06/2017).
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.

dr



രഹസ്യം

41

കേരള സർക്കാർ
മന്ത്രിസഭായോഗത്തിന്റെ നടപടിക്കുറിപ്പുകൾ

തീയതി : 23-08-2017


ഫയൽ നം.72/എ2/2017/ജ.വി.വ.

ഇനം നം: 1388

വിഷയം : ജലവിഭവ വകുപ്പ് - ശ്രീ. കെ.പി. ജോയ്, എച്ച്.ആർ. വർക്കറിനെ എസ്.എൽ.ആർ. വർക്കറായി റഗുലറൈസ് ചെയ്യുന്നത്.

തീരുമാനം : കുറിപ്പിലെ നിർദ്ദേശം അംഗീകരിച്ചു.

(ഒപ്പ്)
പിണറായി വിജയൻ
മുഖ്യമന്ത്രി
(ശരിപ്പകർപ്പ്)


നളിനി നെറ്റോ
ചീഫ് സെക്രട്ടറി

സെക്രട്ടറി, ജലവിഭവ വകുപ്പ്.

25/8
25/8

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

- | | | |
|-----|---|--|
| 1. | File No. | 72/A2/2017/WRD |
| 2. | Department | Water Resources (A) Department |
| 3. | Subject | Proposal for regularisation of Sri.K.P.Joy,
HR Worker as SLR Worker in Irrigation
Department - Reg:- |
| 4. | Date of Chief Minister's order for
placing before the Council | 30/07/17 |
| 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 |
| | (iii) | |
| 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. | 18/08/17 |
| 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. | 21/08/17 |
| 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 | 21/08/17 |
| 14. | Date of Submission of Fair Copies | 22/08/17 |
| 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.K.P.Joy, HR Worker as SLR Worker in compliance to the order of Hon'ble Kerala Administrative Tribunal in OA 353/2017 dated 23/02/2017.

2) The applicant filed the OA 353/2017 before the Hon'ble Kerala Administrative Tribunal praying for a direction to regularise him as SLR Worker with effect from 16/01/2013 with all consequential benefits.

3) The Hon'ble Kerala Administrative Tribunal considered the case on 23/02/2017 and directed to consider and pass orders on Annexure A5 representation in accordance with law, in the light of the findings in Annexure A4 order passed by the Tribunal, after hearing the applicant within a period of three months from the date of receipt of a copy of the order.

4) As directed by the Hon'ble Kerala Administrative Tribunal the applicant was heard on 04/04/2017. The petitioner submitted that he entered service in the Department way back in 1998 as HR Worker and has satisfied all the eligibility criteria to be regularised as SLR Worker. He was included in the Seniority List of 1740 HR/CLR/SLR Workers, submitted to Government for absorption as SLR Worker. But his name did not find a place when G.O(Ms)No.06/2013/WRD dated 16/01/2013 was issued. He also submitted that his colleagues who have the same record of service were absorbed as SLR Workers through various Court Orders. He admitted that there was break in service during the years 2000, 2001, 2002 and he said that it was not due to his fault but due to stoppage of his work as HR Worker by concerned authorities in the Department.

5) One of the criterion fixed for regularisation of HR Workers as SLR Worker as per G.O(Ms)No.06/2013/WRD dated 16/01/2013 is that they should have completed 10 years of service as on 01/01/2011. As per the report of Chief Engineer(I&A), he has not completed 10 years of service as on 01/01/2011 due to break in service during the years 2000, 2001 and 2002.

6) However, the Hon'ble Kerala Administrative Tribunal in the order in OA 1210/2013 observed that break in service cannot be considered as a disqualification for regularisation and based on that the applicants in the said OA have already been regularised as SLR Workers. This is also a similar case. The applicant had produced records to prove that he had completed 1515 days of service as on 01/01/2011 despite the break from years 2000 – 2002. In files of alike nature, Law Department has opined that since the Tribunal in OA 1210/13 dated 26/03/2014 has held that Condition No.2 of G.O(Ms)No.06/2013/WRD dated 16/01/2013 does not mention continuous 10 years of service as a criterion continuous service cannot be insisted upon while considering applications for regularisation of HR Workers as SLR Workers and hence all applicants who satisfy the condition for regularisation may be regularised as SLR Workers.

7) 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.”

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

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

“Finance agrees to the Administrative Department's proposal to regularise Sri.K.P.Joy, HR worker as SLR worker with effect from 16/01/2013 subject to the condition that monetary benefits will be effected from the date of issuance of Government Order”.

10) 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 orders of Hon'ble Kerala Administrative Tribunal in OA No.353/2017 the applicant Sri.K.P.Joy, HR Worker have to be regularised as SLR Worker with effect from 16/01/2013 subject to the condition that monetary benefits will be effected from the date of issuance of order.

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

Point for Decision

Whether the HR Worker Sri.K.P.Joy the applicant in OA 353/2017 may be regularised as SLR Worker with effect from 16/01/2013 subject to the condition that monetary benefits will be effected from the date of issuance of order?