



GOVERNMENT OF KERALA

Abstract

AYUSH -Ayurveda Medical Education Department- Judgement dated 15.03.2024 of the Hon'ble High Court in WP(C) No.6337 of 2024 filed by A.Sathyan - Complied with -Orders issued.

AYUSH(A)DEPARTMENT

G.O.(Rt)No.162/2024/AYUSH Dated,Thiruvananthapuram, 08-05-2024

Read 1 G.O (Rt) No.2466/2018/H&FWD dated 02.08.2018

2 Representation submitted by Sri.A.Sathyan dated 06.02.2024

3 Judgement of the Hon'ble High Court dated 15.03.2024 in WP(C) No.6337 of 2024 filed by Sri. A.Sathyan

4 Letter No.G4/392/2021/DAME dated 21.05.2023 from the Director of Ayurveda Medical Education.

ORDER

As per judgement dated 15.03.2024 in WP(C) No.6337 of 2024 filed by A.Sathyan , the Hon'ble High Court has directed the 1st Respondent to take a decision on Ext P5 read as 2nd paper above within a period of six weeks from the date of receipt of a copy of the judgement. It is also directed that till the representation is not considered by the 1st respondent , the petitioner shall not be disengaged.

2. In the Ext.P5 representation, petitioner Sri.A.Sathyan informed that he is working as Security guard on daily wages under the Hospital Development Society (HDS) at the Government Ayurveda college, Thiruvananthapuram and is due to relieved off duty on 31/03/2024 by attaining the age of 56 years. Though the HDS had enhanced the age of its staff to 60 years, subsequently it was cancelled , against which representations were submitted seeking extension of age limit and were assured that their representations will be considered positively . But the order was confined to Health Department alone and was not made available to HDS staff of the Government Ayurveda college hospital which is now under AYUSH department. Sri.Sathyan.A as per Ext.P5 has requested to permit him to continue till the age of 65 years or at least

till 60 years on humanitarian grounds.

3. Government have examined the matter in detail . The petitioner was appointed on daily wage basis under the Hospital Development Society and also on the strength of declaration obtained from the petitioner that they will not claim service regularization and other benefits.Further , considering the facts of the unemployment, it is injustice to increase the retirement age and it is against the existing rules. The applicant is aware of the consequence of the appointment being temporary, casual or contractual in nature and cannot invoke the protection or theory of legitimate expectation for being allowed to continue as Security Guard. There is no legal right to the Applicant to pray for the enhancement of retirement age, because Health department and AYUSH department are functioning under two different departments. The nature of work in those departments are not same. Further the income generated from a Medical college and Ayurveda Medical college are different . His appointment was purely temporary on daily wages basis and there is absolutely no guarantee for his tenure as Security Guard and the Applicant is liable to be terminated at any time for any reason. Hospital Development Committee was permitted to appoint casual labourers and they may not be confirmed with the right to alter the service conditions including hike in the wages or the enhancement of retirement age. The petitioner's stand that the retirement age of employees under the projects funded by Rashtriya Swasthya Bima Yojana (RSBY) till the age of 65 years , cannot be equated . Government have rejected many representations seeking enhancement of retirement age in the past and after thorough examination of the same matter several times , declined to raise the retirement age due to above reasons.

4.In the light of the above, the Exhibit P5 representation submitted by the petitioner requesting to permit him to continue as Security Guard under the Hospital Development Society (HDS/HDC) of the Government Ayurveda College Hospital, Thiruvananthapuram till the age of 65 years or at least till 60 years on humanitarian grounds is rejected.

The judgement of the Hon'ble High Court dated 15.03.2024 in WP(C) No.6337 filed by A.Sathyan is thus complied with.

(By order of the Governor)
A P M MOHAMMED HANISH

PRINCIPAL SECRETARY

To:

The Advocate General ,Kerala ,Ernakulam (with C/L)

The Director of Ayurveda Medical Education, Thiruvananthapuram

Sri.A.Sathyan, Ananthabhavan ,Chirayilkonam ,Vettinad ,Vattapara P.O
,Thiruvananthapuram

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

The Director , Web & New Media

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