



GOVERNMENT OF KERALA

Abstract

Tourism Department- KTDC- Judgement dated 01.08.2022 of the Hon' High Court in WP(C)No.24552/2022 filed by Anil Kumar P.P and 24 other contractual employees of KTDC- - Complied with- Orders issued.

TOURISM(B)DEPARTMENT

G.O.(Rt)No.261/2026/TSM Dated,Thiruvananthapuram, 18-05-2026

- Representation dated 21.07.2022 submitted by Shri Anil Kumar P
1. P & 24 other contractual employees of KTDC to the Secretary, Tourism Department.
 - 2 Judgement dated 01.08.2022 of the Hon' High Court in WP(C)No.24552/2022 Filed by Anil Kumar P.P and 24 Others
 3. Letter No.KTDC/PA 2/Regularization/2022 dated 29.10.2022 from the Managing Director, KTDC, Tvpm
 4. Con.Case(C)969/2026 filed by Anil Kumar P.P and Other contractual employees of KTDC.

ORDER

Shri. Anil Kumar P.P and 24 others had filed WP(C)No.24552/2022 before the Hon'ble High Court praying for the regularization of the service of the petitioners in their respective posts with effect from the date of their initial appointment on contract basis in Kerala State Tourism Development Corporation Ltd. As per the Judgement read as 2nd paper above, the Hon'ble High Court had directed the 1st respondent, the Secretary, Tourism to take up

Ext.P13 representation, read as 1st paper above, preferred by the petitioners and to consider and pass appropriate orders on the same, after obtaining reports from the KTDC as well and that appropriate orders shall be passed within a period of three months from the date of receipt of a copy of this judgment. The Ext. P 13 is the representation submitted before the 1st respondent, the Secretary, Tourism, by 25 contractual employees working in KTDC in the various posts of Cook, Specialty Cook, Waiter and Guest Relation Reservation Assistant (GRRA) , for more than 10 years, requesting for regularization of their services w.e.f the initial dates of appointment.

2. The Managing Director, as per the letter read as 3rd paper above, had requested Government to take an appropriate decision on the request for regularization. In compliance with the directions of the Hon'ble High Court, the representatives of the petitioners were heard by the Principal Secretary to Government, Tourism Department on 14.11.2022.

3. Subsequently, Shri. Anil Kumar P P and others have filed Con.Case(C) 969/2026 filed by before the Hon'ble High Court of Kerala, aggrieved by the Non-issuance of final orders in accordance with the directions in the Judgment dated 01.08.2022 in WP(C) No.24552/2022.

4. Government, upon comprehensive examination of the matter and after due consideration of the following factors, have observed as follows:-

(i) Employees appointed on contract basis cannot claim regularization/permanent appointment merely because they continued in service beyond the prescribed contractual period.

(ii) The Constitution Bench judgment of the Hon'ble Supreme Court in Secretary, State of Karnataka vs. Umadevi (AIR 2006 SC 1806) held that regularizing temporary employees solely on the ground that they have continued in service for several years is contrary to the constitutional scheme

governing public employment.

(iii) Following the above judgment, the Supreme Court and various High Courts have consistently held that:

temporary/contract employees should not be regularised as a matter of course; and

regularization/absorption cannot be adopted as a mode of recruitment .

(iv) In KTDC, the regularization of temporary employees who had completed 10 years of service was already carried out as a one-time measure as per G.O.(Ms) No.3/2021/Tourism dated 18.02.2021. Therefore, if employees who have now completed ten years of temporary service are again considered for regularization, it may create an undesirable precedent; and lead to the possibility of similar claims from similarly placed employees in other departments and institutions

(v) Permanent appointments to Government service and Government institutions should be made only through the prescribed recruitment procedures applicable to each post.

(vi) The Government has already clarified this position in *Circular No.55/2022/Fin dated 08.07.2022*, citing various judgments of the Hon'ble Supreme Court.

(vii) Also, in the wake of the Judgement dated 10.11.2025 in WP(C)No.5487/2021 filed by Shri Vishnu.S and 5 others, Government in P&ARD(Rules B)Department is currently examining the need/ necessity to issue a set of guidelines(*i.e., whether to issue guidelines or not*) with regard to the demands from various quarters for regularisation of contract / daily wage employees working in various Govt organisations/ Departments, especially in the final phase of the Government's tenure.

5. Based on an in-depth and considered examination of the aforesaid factors, Government are pleased to order that the request submitted by the 25 contractual employees of KTDC in the representation read as 1st paper above and referred to as Ext.P13, seeking regularisation of their services, is not

feasible for favorable consideration at this stage and is accordingly rejected. The Judgement dated 01.08.2022 of the Hon' High Court in WP(C)No.24552/2022 filed by Anil Kumar P.P and 24 other contractual employees of KTDC stands complied with accordingly.

(By order of the Governor)

K BIJU I A S
SECRETARY

- 1.The Advocate General, Kerala, Ernakulam. (with C/L)
- 2.The Managing Director, KTDC, Thiruvananthapuram.
3. Shri. Anil Kumar P.P and 24 Other petitioners (through MD,KTDC)
- 4.The Law Department(*vide UO(R)No.Opinion -F3/198/2023 dated 27.11.2023*)
- 5.P&AR (Advice-B)Department(*Vide UO(R) No.ADV-B1/242/2023-P&ARD dated 10.11.2023*)
- 5.I&PR(Web & New Media)Department
- 6.Stock File/Office Copy

Forwarded /By order

Section Officer

Copy to: -

1. PA to Secretary, Tourism
2. CA to Additional Secretary