

**GOVERNMENT OF KERALA****Abstract**

Tourism Department- KTDC- Judgement dated 29.01.2026 of the Hon'ble High Court in WP(C)No.13916/2023 filed by Smt.Pushkala E.S., Store Attendant -contractual employee of KTDC-Complied with-Orders issued.

TOURISM (B) DEPARTMENT

G.O.(Rt)No.273/2026/TSM Dated,Thiruvananthapuram, 03-06-2026

- Read 1. Representations dated 13.03.2023 & 16/02/2026 submitted by Smt.Pushkala E.S., Store Attendant, contractual employee of KTDC , to the Secretary, Tourism Department.
2. Judgement dated 29.01.2026 of the Hon' High Court in WP(C)No.13916/2023 Filed by Smt.Pushkala E.S.
3. E-mail dated 04-03-2026 from the Managing Director, KTDC, Tvpm
4. GO(Rt)No. 261/2026/TSM dated 18.05.2026

ORDER

Smt. Pushkala E.S, Store Attendant on contract basis in KTDC filed Writ Petition No.13916/2023 before the Hon'ble High Court seeking regularisation of her service in KTDC and also to extend the benefit of the Judgement dated 17.01.2023 in WP(C) 24200/2021 filed by Sri.Rajeesh R Nair and 4 others in which the Hon' High Court had directed the 1st Respondent to take up the claim of the petitioners for regularisation of their appointment in view of the fact that they had completed ten years of service. As per the Judgement read as 2nd paper above, the Hon'ble High Court has disposed of the WP(C) by directing

the 1st respondent, the Secretary, Tourism to consider Ext.P12 representation dated 13.03.2023 read as 1st paper above, and to consider and pass orders in the light of the Judgement in Jaggo v. Union of India and others (supra) and take appropriate decision thereon as early as possible and at any rate within four months, after giving an opportunity of hearing to a representative of the petitioners.

2.The Managing Director, as per the 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 Under Secretary, Tourism Department had heard Smt. Pushkala E.S and other affected parties, with a similar plea for regularisation, on 28.02.2026.

3. Smt. Pushkala E.S, along with the other affected parties, with similar pleas for regularisation of service in KTDC, who attended the hearing primarily raised the following concerns:-

- The petitioners have been continuing in service for more than 14 years on meagre remuneration. Many among them are presently nearing the age of superannuation and have already crossed the age limit for securing alternative employment opportunities.
- When orders were issued on 18.02.2021 regularising the services of 97 contract employees, the petitioners were excluded from the benefit of regularisation solely on the ground that they had a shortfall of a few months in completing the prescribed continuous service period of 10 years.
- Although the petitioners have been performing all duties and responsibilities identical to those discharged by permanent employees, there exists a substantial disparity in the pay and service conditions applicable to the two categories. Further, contract employees are also being transferred to various districts in the same manner as permanent employees.
- Being engaged on a contract basis, the petitioners are not entitled to any service benefits such as Earned Leave, Leave Surrender,

Medical Reimbursement, etc.

- In the above circumstances, and considering the humanitarian aspect as well as the sincere and dedicated service rendered by the petitioners over the years, which has significantly contributed to the growth and functioning of KTDC, the petitioners requested that their services may be regularised in KTDC with effect from the date on which each of them completed 10 years of continuous service.

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.
- viii. Moreover, vide the Government Order read as 4th paper above, Government have recently complied with the Judgement dated 01.08.2022 of the Hon'ble High Court in WP(C) No.24552/2022 filed by Shri Anil Kumar P.P. and 24 others, wherein a similar plea for regularisation of service had been raised, by rejecting the request submitted by the 25 contractual employees of KTDC for regularisation of their services, on the ground that the same is not feasible for favourable consideration at this stage.

5. Based on an in-depth and considered examination of the aforesaid factors, Government are pleased to order that the request submitted by Smt.Pushkala E.S Store Attendant , contractual employee of KTDC in the representation dated 13.03.2023 read as 1st paper above and referred to as Ext.P12, seeking regularisation of her service, is not feasible for

favorable consideration at this stage and is accordingly rejected. The Judgement dated 29.01.2026 of the Hon' High Court in WP(C) No 13916/2023 filed by Smt. Pushkala E.S., Store Attendant contractual employee of KTDC stands complied with accordingly.

(By order of the Governor)

K BIJU I A S

SECRETARY

1. Smt.Pushkala E.S, Store Attendant, KTDC, (through MD,KTDC)
2. The Advocate General, Kerala, Ernakulam. (with C/L)
3. The Managing Director, KTDC, Thiruvananthapuram.
4. I&PR(Web & New Media)Department (For Publishing the Web Site)
5. Stock File/Office Copy

Forwarded /By order

Section Officer

Copy to: -

1. CA to Secretary, Tourism