

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

Health & Family Welfare Department - Order dated 18/09/2025 of the Hon'ble Kerala Administrative Tribunal in O.A (EKM) No. 1347/2025 filed by Smt.Subhadra C.P, JPHN Grade I (Retd.) - Complied with - Orders issued.

HEALTH & FAMILY WELFARE (C) DEPARTMENT

G.O.(Rt)No.106/2026/H&FWD Dated,Thiruvananthapuram, 08-01-2026

Read: 1. G.O (Ms) No. 48/2025/H&FWD dated 05.02.2025.
2. Representation submitted by Smt.Subadra C.P (Annexure A6)
3. Order dated 18/09/2025 of the Hon'ble Kerala Administrative Tribunal in O.A (EKM) No. 1347/2025 filed by Smt. Subhadra C.P, JPHN Grade I (Retd.)

ORDER

The applicant in O.A (EKM) No. 1347/2025, Smt.Subadra C.P approached the Hon'ble Kerala Administrative Tribunal, aggrieved by the non-consideration of her claim for reckoning the provisional service rendered by her, prior to her regular appointment through the Kerala Public Service Commission.

2. The Hon'ble Kerala Administrative Tribunal vide Order read as 3rd paper above has disposed of the Original Application directing the first respondent to consider and pass orders on Annexure A6 representation in accordance with law and after affording an opportunity of hearing to the applicant, within a period of three months from the date of receipt of a copy of this order.

3. The applicant came to regular service only in 2011. She claims that she had provisional service from 23.01.1990 to 01.03.1999 and prays to count the same with the regular service for reckoning pensionary benefits. She further claims that similarly situated persons had given the benefit of regularization in compliance with the Order dated 09.05.1995 of the Honourable Supreme Court of India in W.P (C) No. 493/1991 filed by Chinmayamani and others. It is to be noted that the petitioners in W.P (C) No. 493/1991 were candidates with six years of provisional service in 1991. Hon'ble Apex Court disposed of the Writ Petition (Civil) with the following

direction:

"On the date of filing the writ petitions, the petitioners were working as Junior Public Health Nurses. It is contended in the writ petitions that even on that date they had put in about 6 years of service. In case the petitioners are still working, they be treated to have been regularized in their respective posts. The writ petitions are disposed of".

4. In compliance with the Order dated 09.05.1995 of the Hon'ble Supreme Court, Government issued G.O (Ms) No. 379/96/H&FWD dated 10.09.1995, whereby the Director of Health Services was instructed as follows:

"The Director of Health Services will issue necessary orders in the matter within a week after ascertaining the details of those who come under the purview of the judgment. Those who have already got regular appointment through Public Service Commission before 09.05.1995 will be treated to have entered in service with effect from the date of advice of Public Service Commission".

5. The applicant had just provisional service of 1 year in 1991 and she is not a similarly situated candidate as that of the 97 candidates referred in W.P (C) No. 493/1991, who had 6 years of service in 1991. As per G.O (Ms) No. 379/96/H&FWD dated 10.09.1995, 97 candidates were regularised in service w.e.f the date of the Supreme Court order and not w.e.f the date of provisional appointment. Therefore, the arguments of the applicant are not true and does not deserve consideration.

6. With regard to the eligibility of Junior Public Health Nurses for counting their provisional service rendered prior to the date of commencement of regular service, G.O read as 1st paper above was issued, elaborating the events happened so far especially the court directives. As per the G.O, DHS was directed to ensure that no employee, who entered into regular service on or after 01.10.1994, shall be given the benefit of regularization of provisional service in the light of judgment of the Hon'ble High Court of Kerala in State of Kerala Vs. Ponnamma reported in 2005 (4) KLT 987, Order dated 09.05.1995 of the Honourable Supreme Court of India in W.P (C) No. 493/1991, Order dated 11.07.2001 of the Honourable Supreme Court of India in Civil Appeal No. 4127-28 of 2001 and Order dated 10.09.2024 of the Honourable Supreme Court of India in Special Leave Petition (Civil) No. 18603/2021.

7. Therefore, in the light of the facts mentioned at pre paragraphs and based on the G.O read as 1st paper above, Annexure A6 representation of the applicant is rejected. Order of the Hon'ble Tribunal read as 3rd paper above

is complied with accordingly.

(By order of the Governor)
SREEKALA R
UNDER SECRETARY

To:

The Advocate General, Thiruvananthapuram (with C/L).
Smt.Subhadra C P, Junior Public Health Nurse Grade-I (Retired), Cholayil
House, Beypore P.O, Kozhikode PIN-673015
The Director of Health Services, Thiruvananthapuram
The Accountant General (A&E)/Audit, Thiruvananthapuram
Public Relations (Web & New Media) Department
Stock file/Office copy.

Forwarded /By order

Section Officer