



## GOVERNMENT OF KERALA

### Abstract

Tourism Department- KTDC- Judgement dated 17.01.2023 of the Hon'ble High Court in WP(C)No.24200/2021 filed by Shri. Rajeesh R Nair and 4 other contractual employees of KTDC-Complied with-Orders issued.

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### TOURISM (B) DEPARTMENT

G.O.(Rt)No.276/2026/TSM Dated,Thiruvananthapuram, 09-06-2026

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1. Judgement dated 17.01.2023 of the Hon' High Court in WP(C)No.24200/2021 filed by Shri. Rajeesh R. Nair and 4 Others.
- Representation dated 08.02.2023 submitted by Shri. Rajeesh R. Nair and 4 other petitioners to the Secretary, Tourism Department.
- 3 Letter No. KTDC/PA2/Regularization/2023 dated 02.03.2023 from the MD, KTDC
- 4 GO(Rt)No. 261/2026/TSM dated 18.05.2026

### ORDER

Shri.Rajeesh R. Nair and 4 others working in KTDC in the post of Store Attendant on contractual basis have filed WP(C) No 24200/2021 before the Hon'ble High Court seeking regularization of service in Kerala State Tourism Development Corporation Ltd. As per the Judgement read as 1<sup>st</sup> paper above, the Hon'ble High Court has directed the 1<sup>st</sup> respondent, the Secretary, Tourism to take up the claim of the petitioners for regularization of their appointment in view of the fact that they have completed ten years of service and to pass appropriate orders within a period of three months from the date of receipt of a copy of the judgment.As per the Representation read as 2<sup>nd</sup> paper above, Shri.Rajeesh R. Nair and the 4 other petitioners had

requested the Secretary, Tourism Department to regularize their service in KTDC on the basis of the said Judgement.

2.The Additional Secretary, Tourism Department had heard all the five petitioners in WP(C)No.24200/2021, along with other affected parties on 22.03.2023.

3. Shri.Rajeesh R Nair, along with the other four petitioners, 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 regularizing the services of 97 contract employees, the petitioners were excluded from the benefit of regularization solely on the ground that they had a shortfall of a few months in completing the prescribed continuous service period of 10 years.
- 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 Government Order read as 4 th paper above, Government have recently complied with the Judgment 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 of Shri. Rajesh

R Nair and 4 other contractual employees of KTDC for regularization of their services in KTDC, is not feasible for favorable consideration at this stage and is accordingly rejected. The Representation read as 2<sup>nd</sup> paper above is disposed of accordingly. The Judgement dated 17.01.2023 of the Hon' High Court in WP(C)No.24200/2021 filed by Shri. Rajeesh R Nair and 4 Other contractual employees of KTDC stands complied with accordingly.

(By order of the Governor)  
K BIJU I A S  
SECRETARY

1. Shri Rajeesh R Nair and 4 other petitioners, ( through MD,KTDC)
2. The Advocate General, Kerala, Ernakulam. (with C/L)
3. The Managing Director, KTDC, Thiruvananthapuram.
4. The Finance Department( vide UO(R)No.2429227/PU -C3/72/2023 dated 25.05.2023)
5. I&PR(Web & New Media)Department ( For Publishing the Web Site)
6. Stock File/Office Copy

Forwarded /By order

Section Officer

Copy to: -  
CA to Secretary, Tourism