



## GOVERNMENT OF KERALA

### Abstract

Consumer Affairs Department- Legal Metrology- Order of Hon'ble KAT in OA 118/2023 filed by Sri. Rajith Kumar P. & Sri. Suneesh P.- Complied with- Orders issued.

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### CONSUMER AFFAIRS DEPARTMENT

G.O.(Rt)No.64/2023/CAD Dated,Thiruvananthapuram, 14-10-2023

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1 G.O.(Rt).No.121/08/CAD dated 23-12-2008

Read 2 Representation from Sri.Rajith Kumar P. & Sri.Suneesh P. dated 26-06-2023.

3 Order dated 06-07-2023 in OA 118/2023 of the Hon'ble Kerala Administrative Tribunal, Trivandrum.

4 Letter No B3-3034/2021 dated 17/9/2023 from the office of the Controller, Legal Metrology Dept.,Trivandrum

### ORDER

Sri.Rajith Kumar working as Heavy Machine Operator (Driver), and Sri. Suneesh.P working as Mazdoor (Helper) on daily wage basis at the 'Mobile Weighbridge Testing Kit' in Legal Metrology Department filed OA 118/2023 before the Hon'ble Kerala Administrative Tribunal with a prayer to treat their temporary appointment as a regular one and accordingly appoint them in the service as regular employees.

2) In the order read 3<sup>rd</sup> above, the Hon'ble Kerala Administrative Tribunal has disposed of the above original application with a direction to the Government to consider and pass orders on the representation read 2<sup>nd</sup> above(Annexure A13) within a period of three months from the date of receipt of that order.

3) The Legal Metrology Controller reported that the appointment of Sri.Rajith Kumar P. (Heavy Machine Operator (Driver)) and Sri. Suneesh.P (Mazdoor (Helper)) was made on daily wages basis at the 'Mobile Weighbridge Testing Kit' of Legal Metrology Department , as per the terms and conditions issued by Government regarding

appointment of daily wages employees. The posts in which the petitioners presently working on daily wages basis were created only on temporary basis by Govt as per the order read as 1<sup>st</sup> above. Therefore the said posts can not be filled up through regular basis .

4) Government have examined the representation of (Annexure A 13 ) of Sri.Rajith Kumar and Sri. Suneesh.P in detail with reference to the method of appointment of employees on regular basis in Government service. Appointment of employees in Government service on regular basis is being done as per the provisions of Special Rules or General Rules through Kerala Public Commission or through the statutory method of appointment adopted by the Government. There is no enabling provision either in the Kerala State & Subordinate Service Rules 1958 or in any Special Rules or other Service Rules for regularising the service of daily waged employees in Govt. service. Moreover, the law that has evolved so far with respect to the mandate of the decision rendered by the Constitutional Bench of Hon'ble Supreme Court in State of Karnataka Vs Umadevi (2006) and the legal principles laid down in Union of India Vs Ilmo Devi & another in Civil Appeal No: 5689- 5690 of 2021 upheld that service by a temporary or ad hoc or daily wage employee for a long number of years, let alone service for one or two years, will not entitle such employee to claim regularisation, if he/she is not working against a sanctioned post.

5) In the above circumstances, representation (Annexure A 13) submitted by Sri.Rajith Kumar and Sri. Suneesh.P does not merit consideration and hence the same is rejected accordingly.

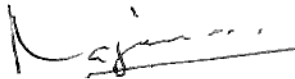
6) The orders of the Hon'ble Kerala Administrative Tribunal read as 3<sup>rd</sup> above is thus complied with.

(By order of the Governor)  
Ajit Kumar I A S  
SECRETARY

The Controller of Legal Metrology, Trivandrum.  
The persons concerned (through Controller of Legal Metrology)  
The Accountant General (Audit/A&E) Kerala, Trivandrum.

Office of the Advocate General, Trivandrum (with C/L)  
The Web & New Media  
The Stock File/Office Copy (File No.CA4/79/2023/CAD).

Forwarded /By order

  
Section Officer