

(2014) 08 KL CK 0057
In the High Court Of Kerala
Case No : WP(C).No. 15541 of 2012 (P)

N.G. Anandan

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 12-08-2014

Acts Referred:

Citation : (2014) 08 KL CK 0057

Hon'ble Judges : A.K. Jayasankaran Nambiar, J

Bench : Single Bench

Advocate : A.T. Anilkumar, Advocate for the Appellant; Mohan Jacob George, P.V. Parvathi, Reena Thomas and A.J. Jose Aedaiodi, Government Pleader, Advocate for the Respondent

Judgement

A.K. Jayasankaran Nambiar, J.—The petitioner in the writ petition is a person who is working as part time sweeper in the office of the Erumely Grama Panchayat from 1.7.1995 onwards. The engagement of the petitioner under the 4th respondent Panchayat has been on a daily wage basis. With a view to getting his services regularised, the petitioner had taken up the matter with the 4th respondent Panchayat on various occasions. It is submitted that the 4th respondent Panchayat had also considered his request favourably for the purposes of recommending the case of the petitioner for regularisation to the Government. The writ petition is filed seeking a direction to the respondents to regularise the petitioner as a full time contingent sweeper in the office of the 4th respondent.

2. A counter affidavit has been filed on behalf of the 3rd respondent, Deputy Director of Panchayat. Along with the counter affidavit, Ext.R3(a) letter issued by the Secretary of the 4th respondent Panchayat to the 3rd respondent in connection with the request received by the 4th respondent Panchayat from the petitioner for regularisation of services, is also produced. The said letter would suggest that the 4th respondent was in favour of recommending the case of the petitioner for regularisation to the 3rd respondent Deputy Director of Panchayat.

In the normal course, such request for regularisation would be forwarded by the 3rd respondent to the 1st respondent for the purposes of considering the case of a candidate for regularisation. It is, no doubt, in the discretion of the 1st respondent to consider the issue of regularisation of the services of the petitioner and also to take a decision on the issue of whether a post of part time sweeper needs to be sanctioned under the 4th respondent Panchayat. Since the prayer in the writ petition is one for regularisation and the representation made by the petitioner in this regard has already engaged the attention of the 4th respondent Panchayat, which had seen it fit to issue Ext.R3(a) letter to the 3rd respondent Deputy Director of Panchayat, I feel that in the interests of justice, the writ petition can be disposed with the following directions:

(i) The 3rd respondent Deputy Director of Panchayat shall consider the recommendations of the 4th respondent Panchayat as stated in Ext.R3(a) communication dated 31.7.2012 and forward its report to the 1st respondent within a period of one month from the date of receipt of a copy of this judgment.

(ii) While submitting a report to the Government, the 3rd respondent shall make enquiries with the 4th respondent Panchayat with regard to the nature of the engagement of the petitioner and the exact period during which he has rendered services under the 4th respondent Panchayat.

(iii) On receipt of the report from the 3rd respondent, the 1st respondent shall consider the issue of regularisation of the services of the petitioner under the 4th respondent Panchayat. While doing so, the 1st respondent may also consider the Government order G.O.(Rt)No.3238/10/LSGD dated 11.10.2010 issued in respect of Smt.Thresiamma Baby, whose services as a part time sweeper in Paingottoor Grama Panchayat were regularised.

(iv) The Government shall take a decision and pass appropriate orders in the matter within a period of three months from the date of receipt of the report from the 3rd respondent Deputy Director of Panchayat.