



GOVERNMENT OF KERALA

Abstract

SWEEPING AND CLEANING WORK IN GOVERNMENT OFFICES – GUIDELINES FOR REGULARISATION OF EXISTING SWEEPERS AND APPOINTMENT AGAINST FUTURE ARISING VACANCIES OF SWEEPERS IN GOVERNMENT OFFICES – PRESCRIBED – MODIFICATIONS/ CLARIFICATIONS EFFECTED - ORDERS ISSUED.

FINANCE (EXPENDITURE – C) DEPARTMENT

G.O. (P) No:61/2010/Fin. Dated, Thiruvananthapuram, 09/02/2010.

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- Read :-
1. Judgment dated 18/06/2004 of Hon'ble High Court of Kerala in W.P. (c) No: 30927/03 and 47 other similar cases.
 2. Judgment dated 12/08/2005 of the Hon'ble High Court of Kerala in W.A. No: 1863/2004 (and a batch of WAs) filed by the Government of Kerala.
 3. G.O. (P) No: 501/2005/Fin, dated 25/11/2005.

ORDER

In the Government Order read above, comprehensive guidelines were issued for creation of post of Part Time Sweepers in government offices and regularisation of the service of existing casual sweepers, based on the judgment of the Hon'ble High court read as second paper above.

2. As per the conditions stipulated in the above Government Order, those who were working on daily wages and those working in offices having sweeping area below 100 m² were not eligible for regularisation. A number of such sweepers who were not benefitted by the decisions taken by the Government in accordance with the provisions contained in the above order, approached the Hon'ble High Court again, for payment

on par with that of regular Part time sweepers and regularisation of service as Part time sweepers etc. Disposing off such cases, the Hon'ble High Court held that,

i) Persons engaged for sweeping on daily wages are also entitled for regularisation, since the Government Order read above do not specify that such categories are not entitled to this benefit.

ii) The Government Order does not differentiate between temporary and permanent establishments.

iii) The Government Order does not specify that, the Chief Technical Examiner of Finance Department can reassess the sweeping area once assessed by the Public Works Department authorities.

iv) Sweepers who are in receipt of higher pay by virtue of Court orders are also entitled to the benefit of protection envisaged in clause 11 of the Government Order read above and subsequent revisions, even though the sweeping area is below 100 Sq. Mtrs on reassessment.

3. In view of the above observations Government felt it highly necessary to incorporate certain modifications / clarification to the existing Government Order. Accordingly the following clarifications are issued.

i) All existing sweepers, other than Casual Sweepers, irrespective of the mode of appointment, shall also be entitled for regularization based on the sweeping area, defined in the Government order read as 3rd paper above, provided their appointments were made on or before the issuance

of GO read above and are continuing as such on the date of this order. The regularisation will have effect from the date of this order only.

ii) In temporary establishments of Government, which are created for a specific purpose and for a specific period, post of part time sweeper shall not be allowed. However the person engaged for sweeping in such offices shall be entitled to payment at par with that of regular part time sweepers / casual sweepers, with effect from the date of this order strictly based on the sweeping area of such offices, calculated in accordance with Appendix to the GO read as 3rd paper above. In any case, the sweepers engaged in temporary establishments shall not be entitled for regularization irrespective of their length of service, sweeping area etc. Hereinafter, all fresh appointments of sweepers in temporary establishments shall be made only through nearest Kudumbasree unit.

iii) The Government are at liberty to conduct the reassessment of the sweeping area of any office, wherever necessary, by the Chief Technical Examiner, who is the competent Technical Authority of Finance Department. Such reassessment will be made strictly subject to the provisions contained in the appendix to the GO read as 3rd paper above, with notice to the sweeper and others concerned.

iv) In cases, where Sweepers were engaged against existing sanctioned posts for any reason shall also be entitled to regularization, provided the date of appointment was on or before 25.11.05. On retirement of the existing sweeper in such offices, the vacancy will be filled up through Employment Exchange only.

v) If a sweeper is appointed in view of any exigencies and without going through the local Employment Exchange, such an appointment shall be made only through the nearest "Kudumbasree" unit. Appointments of sweepers in temporary establishments irrespective of sweeping area and in permanent establishments where the sweeping area is less than 100 m², shall be made only through Kudumbasree, with effect from the date of this order. The competent authority will execute agreement with the Kudumbasree to this effect and the mode of payment will be made only through Kudumbasree and not directly to the sweeper so engaged. In such cases, the appointment at a time shall be for a maximum of 179 days only. On completion of 179 days, the service of the person so engaged shall be terminated and another person has to be engaged through the "Kudumbasree" itself.

vi) The benefit of clause 11 of the Government order mentioned as 3rd paper above were initially applicable only to Part Time Sweepers. All sweepers, including the sweepers engaged in the offices wherein sweeping area is less than 100 m² but are in receipt of higher pay as applicable to regular Part Time Sweepers, by virtue of court orders or otherwise, will also be entitled for protection of pay as envisaged in para 11 of Government Order read as 3rd paper above, including the benefits of subsequent revisions. After retirement of present incumbents, casual sweeper through Kudumbasree, on turn basis as stated above, alone will be engaged with remuneration fixed by Government from time to time as applicable to casual sweepers.

vii) Sweepers engaged for cleaning Bus stands, Streets, markets, public gardens etc, will not come under the purview of the order.

4. All heads of Departments are hereby directed to ensure the compliance of these orders scrupulously and complete the exercise in all cases and forward necessary proposals to Government in Finance Department through concerned Administrative Department on or before 30/06/2010.

By order of the Governor,

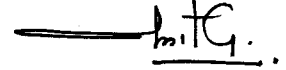
DR. P. PRABAKARAN,
Additional Chief Secretary (Finance)

To

All Heads of Departments and Offices.
All Department (all Sections) of the Secretariat
The Accountant General (A&E), Kerala, Thiruvananthapuram.
The Principal Accountant General (Audit), Kerala,
Thiruvananthapuram.
The General Administration (SC) Dept. – (Vide Council Decision
dated 27-7-2005 on Item No.817)
The Secretary, Kerala Public Service Commission,
Thiruvananthapuram (with C.L.)
The Registrar, High Court of Kerala (with C.L.)
The Advocate General, Ernakulam (with C.L.)
The Registrar, University of Kerala/Cochin/Calicut/Mahatma
Gandhi (with C.L.)
The Secretary, Kerala State Electricity Board,
Thiruvananthapuram (with C.L.)
The Secretary, Kerala State Electricity Board,
Thiruvananthapuram (with C.L.)
The General Manager, Kerala State Road Transport Corporation,
Thiruvananthapuram (with C.L.)
The Secretary to Governor
All Secretaries, Additional Secretaries, Joint Secretaries, Deputy
Secretaries and Under Secretaries to Government
The Private Secretary to Chief Minister and other Ministers
The Private Secretary to Leader of Opposition and Government
Chief Whip

The Deputy Secretary to the Chief Secretary
The Private Secretary to Speaker
The Private Secretary to the Deputy Speaker
The Director of Public Relations, Thiruvananthapuram
The Nodal Officer, www.finance.kerala.gov.in.

Forwarded / By Order,



Section Officer