GOVERNMENT OF KERALA

Abstract

Personnel and Administrative Reforms Department - Compassionate Employment Scheme - Regularisation of persons appointed in posts created supernumerarily orders issued.

Personnel and Administrative Reforms (Advice C) Department

G.O.(Ms) No. 26 /2015/P&ARD  Dated, Thiruvananthapuram, 4/09/2015

Read 1) GO(P) No. 12/99/P&ARD  Dated 24/05/1999
      2) GO(MS) No. 174/12/GAD  Dated 6/07/2012
      3) GO(MS) No. 249/13/GAD  Dated 2/09/2013
      4) GO(MS) No. 22/14/P&ARD Dated 21/07/2014

ORDER

The Government had created 549 posts supernumerarily in various categories as per Government Order read as second paper above, with the intention of clearing all applications for appointment under Compassionate Employment Scheme pending with the General Administration (Compassionate Employment Cell) Department. The Government had issued instructions vide Government Order read as fourth paper above, clarifying the manner in which service conditions of those appointed in supernumerary posts was to be regularised. It had been made clear therein that the supernumerary hands were to be regularised against 5% vacancies set apart in Para 34 and 35 of the Government Order read as first paper above.

2. It has now come to the notice of Government that many Appointing Authorities are regularising those appointed in supernumerary posts in General Categories such as Lower Division Clerk, Lower Division Typist etc. only against 5% of the vacancies that arise in that category in that Department notwithstanding the fact that the relatives upon whose demise the dependent got the employment too had worked in that Department.

3. The Government had also created an additional 356 posts supernumerarily vide Government Order read as third paper above to accommodate all applicants under Compassionate Employment scheme pending in various Departments.

4. Even though cases are usually referred to General Administration (Compassionate Employment Cell) Department when there is a dearth of vacancies in the Parent Department, the decision to create supernumerary posts in the very same Department itself has also made the situation more complex as the prospect of arising of vacancies in these Departments may not be bright and such appointees will have to wait for a long period, to be accommodated in a regular vacancy, even if they were to be absorbed against all vacancies arising in that Department. Further many such supernumerary
appointees are now requesting for Inter District Transfer to other Departments as the same is provided for in GO(MS)No. 22/14/P&ARD dated 21/07/2014. Several Appointing Authorities are not certain as to how regularisation of persons appointed against posts created supernumerarily are to be effected and have sought guidance of the Government.

5. In the circumstances stated above and after having examined the matter in detail, the Government are pleased to order that regularisation of supernumerary hands appointed under Compassionate Employment Scheme to various posts in Government Departments vide Government Orders read as 2nd and 3rd paper above and any other succeeding order shall be made in the manner as detailed below.

1) In the case of dependants of Government Servants who died in harness while serving in other Departments, but were appointed to the posts of Assistant in the Secretariat, in Advocate General’s office and in the posts of Auditor in Local Fund Audit Department created supernumerarily as per Government order read as 2nd paper above and as per any other subsequent orders, if any, their appointment may be regularised against 5% of vacancies that occur in the respective cadre and are reported to the General Administration( Compassionate Employment Cell) Department as provided in para 38 of Government Order read as 1st paper above.

2) In the case of candidates appointed to supernumerary posts created in common categories of posts such as Lower Division Clerk, Lower Division Typist and Peon as per Government order read as 2nd and 3rd paper above and as per any other succeeding orders, the following instructions are to be followed:

(i) The General Administration ( Compassionate Employment Cell) Department shall prepare a seniority list of all such appointees based on the date of valid application. In order to help that Department to do the same, all the Appointing Authorities/Heads of Departments shall make available to that Department forthwith a list of persons in the supernumerary posts who have already been absorbed in the respective Department.

(ii) The Departments in which these supernumerary posts are created shall keep a separate “priority list” of such appointees waiting for absorption. All the candidates who were dependants of the deceased employees of that Department shall be included in the said “priority list” as “top priority group” based on the date of valid application. Candidates who are not dependants of the deceased employees of the respective Departments shall be included in the said list as the “second priority group”.

(iii) The General Administration ( Compassionate Employment Cell) Department shall assign the vacancies, that are reported to it from various Departments, to candidates appointed on supernumerary posts based on the seniority list prepared by the General Administration ( Compassionate Employment Cell) Department. If a person included in the list prepared by the Compassionate Employment Cell has already been absorbed in the Department in which the post is created then his turn may be passed over to the next person in the list.

(iv) On the other hand, if the vacancies arise in the Department in which the supernumerary posts are created and the same are available for regularisation of persons appointed thereto, the senior most person in the top priority group in the list prepared by the Department shall be regularised in the first vacancy and the person immediately below him shall be accommodated in the second vacancy and so on. Only upon exhaustion of “top priority group”, the persons in the “second priority group” shall be considered for regularisation.
(v) As and when a person in a supernumerary post is absorbed in a regular vacancy in the same Department to which the supernumerary post is attached, the Appointing Authority shall inform the same to the General Administration (Compassionate Employment Cell) Department forthwith in order to enable that Department to delete the name of that candidate from the seniority list of supernumerary hands available with that Department.

(vi) If one vacancy each is available simultaneously to regularise a supernumerary hand, both in the Department to which he is attached and in the General Administration (Compassionate Employment Cell) Department, the candidate shall be absorbed in the Department to which he is attached.

(vii) If upon receiving an offer of regularisation in any other Department from the General Administration (Compassionate Employment Cell) Department, a person in a supernumerary post attached to a Department expresses a desire in writing, in duplicate, to both the Departments to which he is attached and also, to General Administration (Compassionate Employment Cell) Department, to be retained in the Department to which he is attached, he may be allowed to remain so in the supernumerary post and his turn shall be passed on to the next person in the list available with the General Administration (Compassionate Employment Cell) Department. But, if he happens to remain in the supernumerary post without being absorbed in the Department to which he is attached by the end of six months from the date of offer of regularisation from the General Administration (Compassionate Employment Cell) Department, or by the time all the persons in the seniority list prepared by the General Administration (Compassionate Employment Cell) Department as specified in sub para (iii) are offered regularisation at least once, whichever occurs later, the Appointing Authority in the Department to which he is attached shall inform the same to the General Administration (Compassionate Employment Cell) Department, which in turn shall offer him a regular vacancy in any of the Departments that is reported to it and the person shall then have no other option but to accept the same. The seniority of the person in the new Department shall be reckoned only with effect from his date of order of appointment to that Department.

6. As it has been brought to the notice of Government that paras (vii) and (viii) of Government order read, as 4th paper above are being misused to stake undue claims the Government are also pleased to strike down the same. However, if any of the candidates have already availed the above benefits they need not be disturbed for the time being, and if they are not regularised yet, they may also be regularised in the same manner as prescribed above provided that they shall be eligible for absorption on request in the Department to which they have been so transferred only if no other candidate who was a dependant of a person who died in harness while serving in the same Department, is waiting for absorption or posting, irrespective of the date of his valid application.

(By order of the Governor)

E K MAJHI

Principal Secretary to Government
To

All Heads of Departments and Offices
The Secretary, Kerala Public Service Commission, Pattom,
Thiruvananthapuram (with C.L)
The Principal Accountant General (Audit), Kerala,
Thiruvananthapuram (with C.L)
The Accountant General (A&E), Kerala, Thiruvananthapuram
(with C.L)
All Departments (all Sections including Law & Finance) of the
Secretariat
The Secretary, Kerala Legislature Secretariat (with C.L.)
The Registrar, High Court of Kerala, Ernakulam (with C.L.)
The Secretary to Governor (with C.L.)
The Private Secretary to Chief Minister and other Ministers
The Private Secretary to the Leader of Opposition &
Government Chief Whip
The P&AR (Advice A, B and Rules) Departments.
The Director, Information and Public Relations Department (for wide publicity)
The I&PR (Information Web & New Media) Department -
(for publishing in the official website of Government)

Stock File/Office Copy.

Forwarded / By order,

[Signature]

Section Officer

Copy to: Disposal leading to GO(MS) No. 22/2014/P&ARD Dated 21/07/2014