

PROCEEDINGS OF THE DIRECTOR OF HEALTH SERVICES,  
THIRUVANANTHAPURAM.

Sub:- Estt. H.S.D – Anomaly in the Final (Combined ) Seniority list of JPHN from 21/01/1994 to 31/12/2006 – reassignment of rank – notice conformed – Orders Issued.

- Ref:- 1) Judgement of Hon'ble Supreme Court of India in the Judgement dtd.11/07/2001 in Civil Appeal NOS4127-28/2001, 4129,4130, 4131, 4132, 4133 arising out of SLP(C) No.17057/2000, 19681/2000, 715/2001, 21345/2000, 3512/2001 filed by Girija.M.V and Others.
- 2) GO(Ms) No.246/2005/H&FWD/dtd.30/09/2005 H&FWD(C) DDK.
- 3) Order in OA319/2013/dtd.22/05/2014 from the Hon'ble KAT.
- 4) G.O(Rt.) No.2849/2014/H&FWD/dtd.20/08/2014.
- 5) Notice issued from this letter of even No. dtd.22/01/2015.

ORDER No.ES5-55649/15/DHS/dtd.04/08/2015.

As per the verdict of Hon'ble Supreme Court of India Government have ordered vide G.O(Ms) No.246/2005/H&FWD/dtd.30/09/2005 read above, to regularize the provisional service of the petitioners who were appointed purely on provisional basis and continued for Long period on the basis of court order and those who approached the Hon'ble Supreme Court in adherence to the following conditions.

- 1) The absorption will only be against clear open vacancies.
- 2) In the case of petitioners who were terminated during the pendency of the proceedings before the court, benefit continuity in service shall be given in the manner of regularization. The period for which they were kept out of service shall be given in the manner of regularization. The period for which they were kept out of service shall be treated as non duty. However the salary for the period they were out of service shall not be pay to them.
- 3) It is also ordered that the regularization in service will have effect only from 09/05/1995 (date of judgment)
- 4) The period of provisional service prior to termination will be counted for the purpose of seniority, increment, higher grade, pension and accumulation of leave etc. with effect from 09/05/1995. All the benefits give as per the G.O (Ms) No.379/96/H&FWD/dtd.07/12/1996 shall be extended to these appellants also.

5) Those who have got regular appointment through PSC will be treated to have entered in service with effect from the date of advice of PSC.

In stipulation with the above condition Government have issued G.O(Ms) No.246/2005/H&FWD/dtd.30/09/2005 for regularizing the provisional service of Smt.Yosoda.P.V with effect from 02/04/1997 and Smt.Rosily.M.O with effect from 10/12/1995.

As per 8 (V) of the G.O(Ms) No.246/2005/H&FWD/ dtd.30/09/2005 the incumbents is eligible to get their seniority assigned with effect from 02/04/1997 and 10/12/1995 that is from the date of their joining duty. But seniority of the incumbents is fixed as Rank No.3253 and 3259 in the seniority list of Junior Public Health Nurse for the period from 21/01/1994 to 31/12/2006. This was by mistake.

On verification of the service records it is found that the incumbents are eligible to get their seniority with effect from 02/04/1997 and 10/12/1995 respectively on the basis of Supreme court direction and G.O read above. Considering all the aspects mentioned above, sanction is accorded by the Government to regularise the seniority of Smt.Yosoda.P.V with effect from 02/04/1997 and Smt.Rosily.M.O with effect from 14/12/1995 vide G.O (Rt.) No.2849/2014/H&FWD/ dt.20/08/2014.

It was provisionally proposed to reassign Rank No. – 511(B) and 337 (A) respectively in the seniority list of Junior Public Health Nurse for the period from 21/01/1994 to 31/12/2006 a notice was issued vide letter No.ES5-55649/15/DHS/dtd.22/01/2015 for inviting appeals. Appeals received in this regard have been examined in detail and found no merit. Accordingly the proposal issued vide notice five above is finalised.

The details are shown below.

Name	Date of Birth	Date of entry in service	Date of commencement of service	Date reckoned for seniority	Date of appointment order	Rank No prepared to reassigned
Yosoda.P.V	25/05/1970	02/04/1997	02/04/1997	02/04/1997	G.O(Ms) 246/ 05/ dtd. 30/09/2005	511 B
Rosily.M.O	31/05/1973	10/12/1995	10/12/1995	10/12/1995	G.O(Ms) 246/05/ dtd. 30/09/2005	337 A

Sd/-

Dr.Jayasahanker.S  
Director of Health Services

// Forwarded //

  
SUPERINTENDENT.