



GOVERNMENT OF KERALA

Abstract

SWEEPING AND CLEANING WORK IN GOVERNMENT OFFICES—GUIDELINES FOR
REGULARISATION OF EXISTING ELIGIBLE CASUAL SWEEPERS AND
APPOINTMENTS AGAINST FUTURE ARISING VACANCIES OF
SWEEPERS/CLEANERS IN GOVERNMENT OFFICES—
PRESCRIBED—ORDERS ISSUED

FINANCE (EXPENDITURE -A) DEPARTMENT

G.O. (P) No. 501/2005/Fin. Dated, Thiruvananthapuram, 25th November, 2005.

- Read:—*
1. G.O. (P) No. 500/1979/Fin dated 2-6-1979.
 2. G.O. (P) No. 742/80/(240)/Fin. dated 9-10-1980.
 3. G.O. (P) No. 831/80/(253)/Fin. dated 3-11-1980.
 4. G.O. (P) No. 17/81/(279)/Fin. dated 7-1-1981.
 5. G.O. (P) No. 3000/1998/Fin. dated 25-11-1998.
 6. G.O. (P) No. 3002/1998/Fin. dated 25-11-1998.
 7. G.O. (P) No. 390/2003/Fin. dated 17-7-2003.
 8. G.O. (P) No. 500/03/Fin. dated 25-9-2003.
 9. Government (Revenue Department) Lr. No. 28555/T1/2003/RD dated 6-10-2003.
 10. Judgement dated 18-6-04 of Hon. High Court of Kerala in W.P. (C) No. 30927/03 and 47 other similar cases.
 11. G.O (P) No. 361/2005/Fin. dated 2-8-2005
 12. Order dated 12-8-2005 of the Hon. High Court of Kerala in W.A. No.1863/04 (and a batch of WPs) filed by the Government of Kerala.

ORDER

Sweeping and cleaning of Government offices and surroundings is a part-time job requiring about 1-2 hours of work every day, before office hours. As per orders currently in force, wherever the sweeping area is 800 sq.mtrs. or more, a full time post of sweeper is to be created. Wherever the sweeping area is

more than 100 sq. mtrs. but below 800 sq. mtrs., a post of part-time contingent sweeper is to be created by the Government and a person appointed to it from a list to be called for from the local Employment Exchange. Such part-time contingent employees are entitled to a remuneration based on the "sweeping area". For a sweeping area between 400-800 sq. mtrs., the present remuneration is Rs. 1500 p.m. plus D.A. For 100-400 sq. mtrs., it is Rs. 1250 p.m. plus D.A. The part-time contingent employees are also eligible for pension as per a separate scheme in force. For sweeping area less than 100 sq. mtrs., no part-time contingent post is to be created. The head of office concerned is authorised to engage a casual sweeper (not necessarily from Employment Exchange) by paying a fixed consolidated remuneration of Rs. 600 p.m.

2. There are a number of cases where the area exceeds 100 sq. mtrs., but Government have not created the post of part time contingent sweeper. A casual sweeper (who is paid Rs. 600 p.m.) is engaged without going through Employment Exchange. This person continues indefinitely. A number of these persons have approached the High Court and obtained orders requiring the Government to regularise them by paying Rs. 1250 or Rs. 1500 plus D.A (instead of Rs. 600 p.m.) with retrospective effect from 1997 or the date of engaging them.

3. Presently, there is no clarity on what constitutes sweeping area. Even when actual sweeping area is less than 100 sq. mtrs., there is a tendency to include area which are not normally swept (eg. large courtyard and compound) to show a sweeping area more than 100 sq. mtrs. so that the casual sweeper gets a claim for regularization. The same applies when the actual sweeping area is just below 400 sq. mtrs. (so that the remuneration increases from Rs. 1250 to Rs. 1500 per month).

4. Realizing that most of these persons have been engaged without a transparent procedure, Government have issued orders as per G.O. (P) No. 390/03/Fin. dated 17-7-2003 requiring all offices to forthwith stop availing the services of such persons (i.e. retrenching them) and only engage persons through Employment Exchange. But subsequently, the Government as per G.O.(P) No. 500/03 dated 25-9-2003, have ordered to keep in abeyance the orders in the G.O. dated 17-7-2003.

5. In the meanwhile, the Honourable High Court on 18th June 2004, in a batch of 45 cases, issued orders laying down detailed guidelines in the matter. As these guidelines do not cover all aspects and since the Government feel that some of them will involve huge financial commitment, Writ Appeal No.1863/04 and other connected Writ Appeals have been filed against the judgement. The Honourable High Court then stayed the implementation of the judgement dated 18-6-2004.

6. Government, after reviewing all aspects of the case, then issued orders vide G.O. (P) No. 361/2005/Fin. dated 2-8-2005, to be implemented only after and subject to the final judgement in W.A. No. 1863/2004 and other connected appeals. The Writ appeals have now been disposed of vide common judgement dated 12-8-2005 through which the Hon'ble High Court has given certain directions, to implement with certain amendments to the G.O. dated 2-8-2005 are required. Accordingly, the Govt. hereby cancel G.O. dated 2-8-2005 and are pleased to issue revised orders as contained in the subsequent paragraphs.

7. The sweeping area in various Government offices will be determined as per guidelines given in the *Appendix* to this order. These new guidelines will be applied for determining the sweeping area in offices presently being serviced by casual sweepers, when considering the question of regularizing them as part-time contingent sweepers.

8. For the regularization of the existing casual sweepers (where the sweeping area exceeds 100 sq. mtrs.), creation of posts of part-time contingent employees depending on the sweeping area has to be made. The sweeping area will be calculated in accordance with the guidelines given in the *Appendix*. As far as regularisation of existing casual sweepers are concerned, the measurement will be made by the PWD official after notice to the incumbent casual sweeper and in his presence. The incumbent casual sweeper will also sign in the format at Annexure either agreeing with the measurement or disagreeing with it. This exercise will be completed in all cases by 15-12-2005. If, on fixation, the area is seen to exceed 100 sq. mtrs. and if there is no post of part time sweeper sanctioned for the office in question, but there is a casual sweeper being engaged, the Head of the Office shall immediately take up with the Govt. for creation of a post of part-time contingent sweeper. Copies of the certificate of the PWD Engineer and full details of the case in the proforma in the Annexure shall be furnished along with the proposal. The Administrative Dept. in Govt. shall then issue orders before 21-1-2006, in consultation with the Finance Dept., for the creation of the post of part-time sweeper in relaxation of the economy orders and absorbing the existing casual sweeper by giving the remuneration of Rs. 1250 plus DA p.m. (for area of 100 sq.mtrs. and above but below 400 sq. mtrs.) and Rs. 1500 plus D.A. p.m. (for area of 400 sq. mtrs. and above but below 800 sq. mtrs.). The posts shall be created with effect from the date of appointment of the incumbent as Casual Sweeper or from 18-6-2001 [i.e. 3 years preceding the date of judgement vide ref. (10) above] whichever is later. In the case of those covered by earlier orders of the High Court (for regularisation) the relevant date shall be the date of appointment of the incumbent as Casual Sweeper or the date 3 years preceding the date of such judgement ordering regularisation, whichever

is later. The absorption/regularization shall be done with effect from this date only. Back arrears shall be payable only with effect from this date of regularisation. The period spent prior to regularisation shall not count for any purpose.

9. If, on re-fixation of the area, it is found to be less than 100 sq. mtrs. (requiring only a casual sweeper @ Rs 600 p.m.) and if there is a casual sweeper already working, he/she shall continue without disruption, getting only Rs 600 p.m.

10. There could be a few cases where the existing casual sweepers were terminated in accordance with the Government order of 19-7-2003 and new persons selected through Employment Exchange. There would then be 2 claimants for the same post. This would be decided on a case to case basis, if necessary, accommodating such persons in other offices. Such cases will also be reported to Government and absorption done only under the orders of the Government.

11. The guidelines at Appendix shall also be applied to offices which already have part-time contingent sweepers. If, consequent to the re-fixation of the area in such offices in accordance with the guidelines, the sweeping area increases from below 400 mtrs. to above 400 mtrs., the part-time sweeper concerned shall be entitled to the higher remuneration of Rs. 1500 plus D.A., but with effect from the date of the Government Order only. If the area reduces from above 400 mtrs. to below 400 mtrs., the remuneration of the particular part-time sweeper shall not be reduced from Rs. 1500 plus D.A. The existing incumbent shall continue to get what he was getting. But the employee posted against the next vacancy should be given wage as per the rules. If, on fixation, the sweeping area reduces from above 100 sq. mtrs. to below 100 sq. mtrs., the remuneration of the existing part-time sweeper, if he is getting Rs 1250 p.m. plus D.A., shall not be reduced. He shall continue to get what he was getting. Here also, the next vacancy in the post should be filled up by a casual sweeper only, by paying Rs. 600 per month.

12. All existing premises will be got certified once again, over the next 1 year. The certification of sweeping area shall be done once in 5 years. The responsibility for this shall be with the Head of office in question.

13. Part-time contingent sweepers will be employed in new offices and also against arising vacancies in future, only in accordance with the rules i.e., after getting the names from the Employment Exchange. Under no circumstances will any person be engaged otherwise than through Employment Exchange. If there is delay in making such postings, the vacancies can be filled up for two months only, through a contract with the *local Kudambasree Society*. As the

sweeping work requires only 1 to 2 hours of work a day, the Society shall be paid @ Rs. 4 per sq. mtr. plus Rs. 250 as monthly remuneration, subject to the condition that the total monthly payment shall not be less than Rs. 600. It is reiterated that the payment will be made to the society and not the individual.

14. Creation of the post of part-time contingent sweeper in newly formed offices shall be done strictly on the basis of the new guidelines in the Appendix. As it will not be possible to assess in advance the sweeping area in respect of newly formed offices, such posts shall be created only after assessing the sweeping area. Sweeping area shall be determined in accordance with the new guidelines. If the sweeping area is below 100 sq. mtr., a *casual sweeper* (on a monthly pay of Rs. 600) *can be engaged* by the Head of Office without creating a post. Even if the Government order sanctioning posts in the new office permits engaging a part-time contingent sweeper, only a casual sweeper will be engaged if the sweeping area is less than 100 sq. mtrs. If the sweeping area is 100 sq. mtrs., or above but below 800 sq. mtrs., the matter will be taken up immediately with the Government (in the proforma given in the Annexure along with the certificate issued by the PWD Engineer) for the creation of the post of part-time contingent sweeper. After the post is created, a part-time contingent sweeper will be engaged, but only through Employment Exchange. This should be done within two months. He/she should be paid wages as per the sweeping area (Rs. 1250 plus D.A. for sweeping area of 100-400 sq. mtrs. and Rs. 1500 plus D.A. for a sweeping area of 400-800 sq. mtrs.).

15. If the sweeping area is above 800 sq. mtrs. but below 900 sq. mtrs. a part-time contingent sweeper and a casual sweeper will be engaged. If it is above 900 sq. mtrs. 2 part-time contingent sweepers can be engaged. The same logic will apply if the area exceeds 1600 sq. mtrs., etc. For this also the matter is to be taken up with Government in the proforma given in Appendix with the certificate from the concerned Engineer of the Public Works Department. The concerned Department will issue orders to create the posts in consultation with the Finance Department. Till the candidate sponsored by the Employment Exchange reports for duty, the agreement with the Kudumbasree may continue. On no account shall casual sweepers be engaged in such cases.

All the Government Orders referred to above will stand modified to the extent indicated in this Government Order. The G.O. (P) No. 361/2005/Fin. dated 2-8-2005 stands rescinded.

By order of the Governor,

K. JOSE CYRIAC,
Principal Secretary (Finance).

To

- All Heads of Departments and Offices
- All Departments (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 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.

APPENDIX

GUIDELINES FOR DETERMINATION OF SWEEPING AREA

1. Sweeping area means the aggregate of the following :
 - (i) Carpet area i.e. the usable floor area, excluding the area of terrace, car porch, staircases, lift wells, escalators, ducts, toilets, air condition plant room and electrical control room.
 - (ii) Area of car porch, staircase, verandah or corridor, if such car porch, stair case/verandah/corridor is under the exclusive use of the office in question, provided it is used regularly by the office staff and/or the general public and if it is to be swept regularly. Thus, for example, that portion of the stair case leading to a terrace which is not used need not be swept, so will be excluded from the sweeping area.
 - (iii) Toilets used exclusively by the office in question or the general public visiting such an office, if it is to be washed and cleaned regularly.
 - (iv) If there is a courtyard attached to the office, then the area of the courtyard actually swept, subject to the condition that this shall not exceed one third of the aggregate of (i), (ii) and (iii) above.

2. In cases where common areas such as car porch, staircase, verandah, corridor, landing, etc. are shared by the office in question with other State Govt. or quasi State Govt. offices only, such common areas shall be apportioned among the various offices in question, in proportion to the carpet area of each such office.

3. If the common areas of car porch, staircase, verandah, corridor, landing, etc. are shared with private premises, then that portion of the common area appurtenant to the office in question alone will be included in the sweeping area, subject, of course, to the condition in sub para (iv) of para 1 above.

4. For all offices, the sweeping area will be assessed, fixed and certified by an officer of the PWD Buildings Division, not below the rank of an Assistant Engineer. A rough sketch of the area indicating the correct measurements and calculations will be prepared by the Engineer and this shall be made available to the Head of the Office in question. The certification of the sweeping area shall be done once in 5 years. All existing premises will also be got certified once again over the next 1 year. The responsibility for this shall be with the Head of the Office in question.

5. In case for any particular office in question, there are difficulties in applying these guidelines or where further clarification is considered necessary, the engineer concerned shall bring the same to the notice of the Finance Dept. in Govt. directly, without attempting to interpret or extend or modify these guidelines and their application. Copies of such communication shall also be sent through proper channel.

ANNEXURE

APPLICATION FOR CREATION OF POST OF PART-TIME
CONTINGENT SWEEPER

1. Name of Department :
2. Name & Address of Office :
3. Designation of Head of Office :
4. Phone No. with STD code :
5. Sweeping Area (in sq. mtrs.) (See Guideline 1) :
 - (i) Carpet area :
 - (ii) Area of car porch, staircase, verandah, corridor under exclusive and regular use of the office. :
 - (iii) Area of Toilets :
 - (iv) Area of courtyard, normally swept [not exceeding one third of (i), (ii) and (iii) above]. :
 - (v) Total sweeping area (i+ii+iii+iv) :
6. Name and Designation of the officer of the PWD Buildings Division who has certified the sweeping area (See Guideline 4) :
7. Remuneration payable for the post required :
8. Since how long is the office functioning from these premises ? :
9. If there is a casual sweeper already being employed, name, sex, date of birth, address, etc. :
10. Since when is the above person being regularly engaged for sweeping ? :

11. How was the above person recruited ? :
- (a) Through Employment Exchange :
- (b) By transfer from another office :
- (c) Other (Specify) :
12. (a) Has the High Court or any other Court :
ordered his regularization ? If yes, give
order number and date.
- (b) The date from which the incumbent was :
to be regularized in accordance with the
above order.
- (c) Whether regularization has been ordered? :
If so from when ?
13. Views of the incumbent Casual Sweeper :
regarding area

I agree with the assessment of the area as indicated above/According to
me, the area should be sq. mtrs.

Date:

Signature:

14. Any other information :

Signature of Head of Office:

Place :

Date :

Designation of Head of Office: