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GOVERNMENT OF KERALA

Abstract

Labour & Skills Department - Insurance Medical Services – Order of the Hon'ble Kerala Administrative Tribunal dated 05.04.2016 in OA. No.550/2016 filed by Dr.Sudhir Kumar.V.K- direction - complied with- Orders issued.

LABOUR & SKILLS (F) DEPARTMENT

G.O(Rt)No.858/2016/LBR.

Dated, Thiruvananthapuram 08-07-2016.

Read:- 1.G.O(Rt)No.146/2014/LBR dated 27-01-2014.

2.Circular No.E1-22561/2015/DIMS(1) dated 14.01.2016 of the Director of Insurance Medical Services, Thiruvananthapuram.

3.Representation dated 29.01.2016 submitted by Dr.Sudhir Kumar.V.K, Insurance Medical Officer before Government. (Annexure A7 in OA. No.550/2016).

4.Order of the Hon'ble Kerala Administrative Tribunal dated 05.04.2016 in OA .No.550/2016.

5.Letter No. E1-22561/2015/DIMS dated 15.04.2016 of the Director of Insurance Medical Services, Thiruvananthapuram.

ORDER

Government had issued certain guidelines in 2001 for posting Medical Officers for turn duty in the Insurance Medical Services Department. The Director of Insurance Medical Services had later reported that the department was facing acute shortage of Medical Officers and so sufficient number of doctors were not available for taking turn duty. Therefore as requested by the Director, Government had modified the guidelines as per Government Order read as 1st paper above. Clause 3 of the G.O read as follows.

'To ensure sufficient number of medical Officers for the particular institution for turn duty, it may be needed to post Medical Officers who have completed 20 years of service or above 50 years of age. Seniority for this purpose will be reckoned based on the service from the date of joining as per the Advice from the Public Service Commission excluding the period of non qualifying service like long leave for private employment, foreign service etc. If the number of doctors is short of the specified requirement, the juniors among those above 20 years of service will be posted for turn duty.'

The clause 3 of the G.O is interpreted differently in various institutions coming under the department. Therefore the Director had issued a clarification to the clause as per department circular read as 2nd paper above. The clarification is as follows.

“if persons who are entitled for exemption are above 50 years of age , then persons with higher age will be exempted and those with lower age will be included for taking turn duty.”

Against this circular, applicant submitted a representation before Government and also filed OA.No.550/2016 before the Hon'ble Kerala Administrative Tribunal. The Tribunal as per Order read as 4th paper above, directed the Government to reconsider the request and pass orders on Annexure A7 representation in accordance with law, within one month from the date of receipt of copy of the Order after affording an opportunity of being heard to the applicant and third respondent.

The applicant along with third respondent and Dr.Rajeswari, Insurance Medical Officer, Peroorkada (as specifically requested) were heard by the Under Secretary(Labour &Skills) Department on 17.05.2016. The contention of the applicant is as follows. He and the 3rd respondent are above 50 years of age. But he is having more than 22 years of service and the 3rd respondent is having only less than 15 years of service. But based on the reason that the 3rd respondent is 7 months older than him, she was exempted from turn duty by the Director and he was included for turn duty. He stated that the Director had wrongly interpreted the above said Government Order.

The Government have examined the matter in detail and decided to issue a clarification to the issues raised in this regard. Accordingly clause 3 of the Government Order read as 2nd paper above is hereby modified incorporating following conditions.

' Medical Officers who have completed 50 years of age are exempted from taking turn duty. If all persons who are entitled for exemption are above 50 years of age, elderly persons should be exempted from taking turn duty.'

The Order of the Hon'ble Kerala Administrative Tribunal dated 05.04.2016 in OA.No.550/2016 is thus complied with.

By order of the Governor,
Preetha.K.S,
Under Secretary.

To

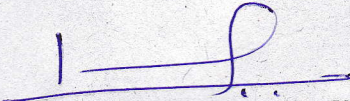
The Director of Insurance Medical Services, Thiruvananthapuram
Dr.Sudhir Kumar.V.K, Insurance Medical Officer. (through the Director of Insurance Medical Services)
Dr.Nancy.N.C, Insurance Medical Officer. (through the Director of Insurance Medical Services)
Dr.N.Rajeswari, Insurance Medical Officer. (through the Director of Insurance Medical Services)
The Advocate General Kerala,Thiruvananthapuram.(with covering letter)
The Accountant General (A&E/Audit/DB Cell) Kerala,
Thiruvananthapuram.
Stock File/ Office Copy.

Forwarded/By Order


Section Officer

Endorsement No. E1-22561/2015/DIMS dated 22/08/2016

Copy of G O (Rt) No. 858/2016/LBR dated, 08/07/2016 communicated for strict compliance.


for Director of Insurance Medical Services

To

1. Dr. Sudhir Kumar. K. K, Insurance Medical Officer, ESI Hospital, Feroke.
2. Dr. Nancy. N.C, Insurance Medical Officer, ESI Hospital, Feroke.
3. Dr. N. Rajeswari, Insurance Medical Officer, ESI Hospital, Peroorkada.
4. Joint Director/Senior Finance Officer/ Senior Administrative Officer/C A to DIMS
5. Regional Deputy Director, Insurance Medical Services, South Zone, Kollam/ Central Zone, Ernakulam/North Zone, Kozhikode.
6. All superintendents of ESI Hospitals.
7. File/Stock file/ Spare. /e.gov.

GS/-