

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

DBP.No. 84 of 2014 ()

(IN THE MATTER OF CDB - REPORT NO.181/13 - REGARDING THE APPOINTMENT
IN DYING-IN-HARNESS-SUO MOTU PROCEEDINGS INITIATED - AS PER ORDERS OF
THE HONOURABLE HIGH COURT-REG.)

PETITIONER(S) : /COMPLAINANT

SRI.MANOJ M.C
PERUMPILLY TEMPLE,
MULANTHURUTHY.

BY ADV. SRI.VARGHESE P.CHACKO

RESPONDENT(S) : /RESPONDENTS

1. COCHIN DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
THRISSUR.
2. THE SPECIAL DEVASWOM COMMISSIONER,
COCHIN DEVASWOM BOARD, THRISSUR.

BY ADV. SRI.V.KRISHNA MENON, SC, CDB

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON
22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

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DBP No.84 of 2014
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Dated this the 22nd day of July, 2015.

O R D E R

Thottathil B.Radhakrishnan, J.

We have perused CDB Report No.181 of 2013.

Issue raised is as to whether Sri.Manoj M.C. is entitled to appointment in the establishment section of the Cochin Devaswom Board as a dying in harness recruit following the demise of his father Sri.Chellappa Kurup. Looking into the entire materials, the learned Ombudsman has come to the conclusion, quite rightly, that the only inference possible is that Sri. Chellappa Kurup was working as Nadakaval which was in the temple wing and it was only in

1987 that Masappadi, to which post he was promoted earlier, was shifted to the establishment section. That being so, the death of Sri.Chellappa Kurup having occurred while he was working in the temple wing, dying in harness recruitment of the dependent of the

said person can also be done only in the temple establishment. We think that it is not necessary for us to further go into this issue because in the ultimate analysis, the whole thrust of the jurisprudence governing dying in harness recruitment or compassionate appointment is to evolve a methodology to provide an immediate sucker to the dependent in need. Sri.Chellappa Kurup died in 1985. In 2007, his son Manoj M.C. was appointed as Adichuthali which means cleaning of vessels and other attendant activities of cleaning. In 2014, we are unable to see that he does have the sustenance to enable him to agitate for an appointment on dying in harness ground. The mere fact that he claims that he ought to have been appointed in the establishment section and not in the temple wing cannot be considered in the context of a request for providing some aid to a person in need. He is already drawing emoluments as Adichuthali and his case cannot now be considered for any other post under the dying in harness scheme. The views of the learned Ombudsman is fully justified and we concur with it. We also see no ground to take a different view, having regard to what

we have stated above on the quality of compassionate appointments. We, accordingly, order that the petitioner is not entitled to any further relief and we affirm the report of the learned Ombudsman. This DBP is ordered accordingly.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)

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