

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 2706 of 2012 (K)

PETITIONER(S):

**K.M.PRADEEP VARMA, AGED 41 YEARS,
S/O.LATE V.P.VASUDEVAN,
KRISHNA VIHAR, SOUARDHA STREET,
POOVANI, THRISSUR - 680 010.**

BY ADV. SMT.SHERLY THOMAS.

RESPONDENT(S):

- 1. THE DEPUTY GENERAL MANAGER (HRD),
HUMAN RESOURCE DEVELOPMENT,
BHARAT EARTH MOVERS LIMITED (BEML),
BEML SOUDHA, NO.23/1, 4TH MAIN ROAD,
S.R. NAGAR, BANGALORE - 560 075.**
- 2. SENIOR MANAGER,
BEML LIMITED, BEML SOUDHA, NO.23/1,
4TH MAIN ROAD, S.R. NAGAR, BANGALORE - 560 075.**

**BY ADVS. SRI.SUNIL NAIR PALAKKAT,
SRI.K.N.ABHILASH.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE DEATH CERTIFICATE OF THE PETITIONER'S MOTHER.
- EXT.P2 COPY OF THE DEATH CERTIFICATE OF THE PETITIONER'S AND BROTHER.
- EXT.P3 COPY OF THE DEGREE CERTIFICATE IN SCIENCE.
- EXT.P4 COPY OF THE LETTER SENT BY ASSISTANT PERSONAL MANAGER TO THE PETITIONER'S MOTHER DATED 18/01/1982.
- EXT.P5 COPY OF THE LETTER SENT BY THE RESPONDENT TO THE PETITIONER DATED 15/01/1994.
- EXT.P6 COPY OF THE LETTER DATED 18/07/1995 BY WHICH PETITIONER'S APPLICATION IS FORWARDED THROUGH MR.V.S. RAGHAVAN, MEMBER OF PARLIAMENT TO MR.K. KARUNAKARAN, INDUSTRY MINISTER.
- EXT.P7 COPY OF THE REPLY OF MR.K. KARUNAKARAN SENT TO VIJAYARAGHAVAN DATED 31/07/1995.
- EXT.P8 COPY OF THE LETTER DATED 8TH MARCH 1996 SENT BY MR.SURESH PACHOURI, THE MINISTER OF STATE FOR DEFENCE PRODUCTION AND SUPPLIES INDIA TO MR.V.S. VIJAYARAGHAVAN MEMBER OF PARLIAMENT.
- EXT.P9 COPY OF THE LETTER DATED 27/04/2007 ISSUED BY THE 2ND RESPONDENT.
- EXT.P10 COPY OF THE LETTER ISSUED BY THE ASST. MANAGER (HR) DATED 20/05/2011.
- EXT.P11 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 18/08/2011.
- EXT.P12 COPY OF THE REPLY SENT BY THE RESPONDENT DATED 30/08/2011.
- EXT.P13 COPY OF THE ADVERTISEMENT DATED 07/12/2011.
- EXT.P14 COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE 2ND RESPONDENT DATED 20/12/2011.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J

WPC No.2706 of 2012

Dated this the 5th day of March, 2015

JUDGMENT

Seeking employment on the basis of dying in harness scheme in the first respondent company, the petitioner has come up before this Court.

2. The petitioner alleges that his father expired while he was working under the respondents at Rail Coach Division, Bangalore. At that time the petitioner was only 10 years old. The respondent vide Ext.P4 informed the petitioner's mother that she would be considered for employment in dying in harness scheme. However, the appointment could not be given. Though the petitioner alleges that the petitioner's mother was not called upon to join, the stand taken by the respondent is that the petitioner's mother did not turn up in spite of the offer. However, later, when the petitioner completed his graduation, he applied for employment in 1992. The petitioner alleges that the respondent vide Ext.P6 informed that the petitioner would be considered for employment and he further alleges that there were vacancies and the appointments were made without considering the petitioner's application.

The petitioner lastly made a representation by Ext.P14 which is not considered by the respondent.

3. The stand taken by the respondent in the counter affidavit is that there was no vacancy suited to the qualification of the petitioner for being appointed. Going by Ext.P13, it can be seen that it is on the basis of Ext.P13 advertisement dated 7.12.2011, the petitioner is making a claim for being appointed as security guard. Admittedly Ext.P14 representation is pending.

The learned standing counsel for the first respondent, on instructions, submits that at present, there are no vacancies. However, taking into account the entire facts and circumstances of the case, the writ petition is disposed of directing the first respondent to consider and pass favourable orders on Ext.P14 in the next arising vacancy.

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE