

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C) .No. 2600 of 2015 (Y)

PETITIONER(S) :

M.U.SAMEER AGED 28 YEARS
S/O. LATE A.J.UMMERKUTTY, MEKKADAYIL HOUSE
VAYALAR P.O., CHERTHALA, ALAPPUZHA DISTRICT-688 536.

BY ADVS.SRI.M.A.SHAFIK
SMT.SHAMEENA SALAHUDHEEN

RESPONDENT(S) :

1. EXPORT INSPECTION COUNCIL OF INDIA
REPRESENTED BY ITS DIRECTOR (INSPECTION & QUALITY CONTROL)
3RD FLOOR, NDYMCA, CULTURAL CENTRE BUILDING
1, JAL SINGH ROAD, NEW DELHI-110 001.

2. EXPORT INSPECTION AGENCY
REPRESENTED BY ITS MANAGING DIRECTOR, 27/1767 A
SHIPYARD QUARTERS ROAD, PANAMPILLY NAGAR(SOUTH), KOCHI
KERALA-682 036.

R1 & 2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXT P1 : COPY OF THE REPRESENTATION DTD.18.10.2004 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXT P2 : COPY OF THE REPRESENTATION DTD.30.1.2008 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXT P3 : COPY OF THE REPRESENTATION DTD.....2009 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXT P4 : COPY OF THE LETTER DTD.15.12.2006 SUBMITTED BY THE EMPLOYEES ASSOCIATION.

EXT P5 : COPY OF THE REPRESENTATION DTD.19.4.2010 AND THE APPLICATION SUBMITTED BY THE PETITIONER.

EXT P6 : COPY OF THE LETTER NO.EIA/KOCHI/ADMN/1(1)/(5)/2010-11:5194 DTD.23.11.2010 OF THE DEPUTY DIRECTOR OF THE 2ND RESPONDENT.

EXT P7 : COPY OF THE REPRESENTATION DTD.25.3.2011 SUBMITTED BEFORE THE 2ND RESPONDENT.

EXT P8 : COPY OF THE NOTIFICATION ISSUED BY THE RESPONDENTS.

EXT P9 : COPY OF THE APPLICATION DTD.27.4.2011 SUBMITTED BY THE PETITIONER.

EXT P10: COPY OF THE REPRESENTATION DTD.7.12.2013 SUBMITTED BEFORE THE CHIEF MINISTER KERALA.

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.2600 of 2015
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Dated this the 30th day of January, 2015

JUDGMENT

Petitioner is the son of Sri.A.J.Ummerkutty who died in harness on 12.04.2004 while working as Laboratory Assistant under the second respondent. At the time of death of his father, petitioner was studying in Plus 2. It is submitted that there is no other income to the family. Therefore, petitioner made Ext.P1 representation before the first respondent for compassionate appointment. This application seems pending for more than ten years. But no action has been taken so far. Petitioner sent several reminders. Accordingly, petitioner constrained to approach this Court.

2. Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in the office memorandum dated 16.01.2013 at page 8 in clause (viii) stipulates no time limit to consider the application for compassionate appointment. It has been directed that the application has to be considered based on the availability of vacancy.

3. In view of the office memorandum as above, petitioner's application can be considered. Therefore, first respondent shall consider the application submitted by the petitioner without any delay. If otherwise eligible, if there are vacancies necessarily, the appointment has to be given to the petitioner without any delay. Needful shall be done to take a decision in the matter within a period of two months from the date of receipt of a copy of this judgment.

Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/30/01/15