

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 17293 of 2005 (H)

PETITIONER(S) :

**K.S.E.BOARD, REP. BY THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, (URBAN), THIRUVANANTHAPURAM.**

BY ADV. SRI.P.SANTHALINGAM, SC, KSEB

RESPONDENT(S) :

- 1. K.RAMAYYAN, S/O.LATE KUTTI NADAR,
RAJ BHAVAN, MANCHADI, MOONGODE P.O.,
TRIVANDRUM, NOW RESIDING AT POOVAM, T.C.6/1646-1,
VETTUMUKKU, THIRUMALA P.O., TRIVANDRUM.**
- 2. THE SECRETARY,
PUBLIC WORKS DEPARTMENT, GOVT. SECRETARIAT,
TRIVANDRUM.**
- 3. HUMAN RIGHTS COMMISSION,
O/O.THE KERALA STATE HUMAN RIGHTS COMMISSION,
M.PANNAN ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM-14,
REP. BY THE REGISTRAR.**

**R1 BY ADV. SRI.G.UNNIKRISHNON
R2 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN
R3 BY ADV. SRI.SEBASTIAN DAVIS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 17293 of 2005 (H)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: A TRUE COPY OF THE PETITION DATED 15.10.2004 SUBMITTED BY
THE 1ST RESPONDENT BEFORE THE HUMAN RIGHTS
COMMISSION, TRIVANDRUM.**

**EXHIBIT P2: A TRUE COPY OF THE REPLY/NO.LCIII/18640/04 DATED 18.11.2004
SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.**

**EXHIBIT P3: A TRUE COPY OF THE ORDER IN HRMP NO.1803/2004
DATED 06.11.2004 FILED BY 1ST RESPONDENT BEFORE
THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.17293 of 2005

Dated this the 30th day of November, 2015

JUDGMENT

The Kerala State Electricity Board have approached this Court challenging an interim order passed by the Kerala State Human Rights Commission. The operative portion of the above interim order as follows:

“Therefore, I recommend the respondent to pay a sum of Rs.25,000/- as interim measure to the petitioner and his wife who were depending on the deceased son for maintenance. The payment will be done within six weeks from today.

Post for final hearing after two months for production of evidence to support of the income of the deceased.”

2. The petitioner’s case is that such order cannot be passed at the best the Kerala State Human Rights Commission can only recommend the State Government to pay any compensation.

3. Learned counsel for the Human Rights Commission submits that the Human Rights Commission also passed final order in this matter.

4. The crux of the issue is whether this above order to be implemented without any further decision by the Government. It is also to be noted that a joint liability has been casted on the Board as well as the State Government to pay compensation to the complainant, the first respondent herein.

This Court is of the view that considering the nature of the order of the Kerala State Human Rights Commission, it can be treated only as a recommendation and it is for the State to take follow up action based on the recommendation. Therefore, treating Ext.P3 is only a recommendation, this writ petition is disposed of. It is made clear that the petitioner is at liberty to challenge any final action would be taken by the State Government at appropriate stage.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln