

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE V.CHITAMBARESH**

**THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936**

**WP(C).No. 19911 of 2009 (H)**  
-----

**PETITIONER:**  
-----

**RAJESH K.R., AGED 29 YEARS,  
S/O. RAVEENDRAN NAIR, K.P. BHAVANAM  
PAVUMVA P.O. KARUNAGAPPALLY, KOLLAM.**

**BY ADVS.SRI.G.D.PANICKER  
SMT.JEENA JOSEPH**

**RESPONDENTS:**  
-----

- 1. STATE CO-OPERATIVE UNION, TRIVANDRUM  
REP. BY ADDITIONAL REGISTRAR OF CO-OPERATIVE  
SOCIETIES/SECRETARY, STATE CO-OPERATIVE UNION  
TRIVANDRUM.**
- 2. CHAIRMAN, STATE CO-OPERATIVE UNION,  
TRIVANDRUM.**

**R1 & R2 BY ADV. SRI.C.P.MOHAMMED NIAS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**DCS**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

- P1 : COPY OF THE PETITION DATED 24.06.2005 SUBMITTED BEFORE THE HONOURABLE MINISTER FOR CO-OPERATION**
- P2 : COPY OF THE PETITION DATED 24.06.2005 SUBMITTED BEFORE THE 1ST RESPONDENT FOR EMPLOYMENT ASSISTANCE**
- P3 : COPY OF THE APPLICATION**
- P4 : COPY OF THE LETTER DATED 08.02.2007**
- P5 : COPY OF THE REPRESENTATION DATED 23.2.2009**
- P6 : COPY OF THE LETTER DATED 30.04.2009**
- P7 : COPY OF THE JUDGMENT DATED 10.06.2003 IN O.P. NO. 7480/2003**
- P8 : COPY OF THE ORDER DATED 1.11.2003 GRANTING EMPLOYMENT ASSISTANCE TO ONE SHRI K.G. SANTHOSH**
- P9 : COPY OF THE REPRESENTAION DATED 14.05.2009 FROM PETITIONER'S FATHER**
- P10 : COPY OF ORDER NO. A.D.M. 117/4986/05 DATED 3.7.2009 FROM THE 2ND RESPONDENT**

**RESPONDENT(S)' EXHIBITS:-**  
-----

- R1(a) : COPY OF THE PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETY, KERALA DATED 7.1.1982**
- R1(b) : COPY OF THE LETTER DATED 30.04.2009**

**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**



**V. CHITAMBARESH, J**

-----  
**W.P.(C). NO. 19911 OF 2009**  
-----

Dated this the 05<sup>th</sup> day of February, 2015

**JUDGMENT**

The petitioner seeks compassionate employment in the first respondent State Co-operative Union. The petitioner claims to be the nephew of a peon - Sudhakara Kurup - who died in harness. The claim now stands rejected by Ext. P10 order which is impugned in this writ petition. The reason stated therein is that only the father, mother and unmarried sister of the deceased is entitled to such appointment.

2. The respondents rely on Clause 33(d) of the Staff Regulations applicable to them which is extracted hereunder:-

“33(d).In case an employee dies while in service, his/her dependent/near relative may be appointed in the State Co-operative Union, provided he/she is qualified for the post to be filled up. The provisions of the Rules governing the appointment of dependents of Government Servants dying in harness shall mutatis mutandis apply to such cases.”

3. Clause 33(d) undoubtedly mentions near relative which evidently takes in a nephew also. Necessary cue can be got from Rule 188A of the Kerala Co-operative Societies Rules, 1969. True it is that the said Rules may not ipso facto apply to

the first respondent Union which is covered by the Staff Regulations. But there can be no two opinions that a nephew is also a near relative entitled to be considered for appointment.

4. The stand of the respondent in Ext. P10 order that only the father, mother and unmarried sister can be considered is untenable. Ext. P10 order is vitiated and is liable to be quashed in the circumstances. The respondents are directed to reconsider the claim of the petitioner for appointment on compassionate grounds in the lines indicated above. The petitioner shall be put on notice and final orders passed within a period of two months from today.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH  
JUDGE**

DCS