

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 18570 of 2015 (U)

PETITIONER(S):

**P.SHYJU KUMAR,
THEVALAM KUNDUNKAL,
P.O.NENMANDA, KOZHIKODE DISTRICT - 673613.**

**BY ADVS.SRI.P.M.PAREETH
SMT.SONIA GEORGE**

RESPONDENT(S):

**1.KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VIDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM 695004.**

**2.CHIEF ENGINEER (HRM), KERALA STATE ELECTRICITY
BOARD, VIDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM 695 004.**

**3. EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL DIVISION, BALUSSERY, KOZHIKODE DISTRICT 673612.**

**4.STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT,
PERSONNEL AND ADMINISTRATIVE REFORMS (ADVICE - C)
DEPARTMENT GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001.**

**R BY GOVERNMENT PLEADER SMT.M.J.RAJASREE
R BY SRI.K.S.ANIL, SC, KSEB**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: COPY OF THE DEATH CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS, KOZHIKODE CORPORATION.

Ext.P2: COPY OF THE LEGAL HEIR SHIP CERTIFICATE DATED 20.10.2014 ISSUED BY THE TAHSILDAR, KOZHIKODE.

Ext.P3: COPY OF THE PROVISIONAL NATIONAL TRADE CERTIFICATE DATED 5.11.98 ISSUED BY THE SECRETARY, STATE COUNCIL FOR VOCATIONAL TRAINING.

Ext.P4: COPY OF THE NATIONAL APPRENTICESHIP CERTIFICATE NO.K/00/2463/T.

Ext.P5: COPY OF THE APPLICATION DATED 4.2.15 SUBMITTED BY THE PETITIONER.

Ext.P5(A): COPY OF THE SCHEME FOR COMPASSIONATE APPOINTMENT ISSUED BY THE GOVERNMENT AS PER G.O.(P) NO.12/99/P&ARD DATED 24.5.99.

Ext.P5(B): COPY OF THE G.O.(P) NO.32/07/PLG DATED 7.6.07.

Ext.P5(C): COPY OF THE G.O.(P) NO.14/10/P&ARD DATED 12.4.10.

Ext.P5(D): COPY OF THE G.O.(P) NO.28/10/PLANNING DATED 5.6.10.

Ext.P6: COPY OF THE LETTER DATED 4.4.15 ISSUED BY THE 2ND RESPONDENT.

Ext.P7: COPY OF THE BOARD ORDER DATED 14.1.11.

Ext.P8: COPY OF THE REPRESENTATION DATED 5.6.15 SUBMITTED BEFORE THE 4TH RESPONDENT.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.18570 OF 2015 (U)

Dated this the 22nd day of June, 2015

J U D G M E N T

The petitioner, who is the brother of one Anil Kumar, a line man who was working under the 1st respondent Board, and who died in harness on 24.6.2014, is aggrieved by the rejection of his application for compassionate appointment on the ground that, as a married person, he was not entitled to the benefit of the scheme. In the writ petition, the petitioner essentially challenges the provision in the scheme of compassionate appointment, to the extent it does not confer any right to a married brother or sister of the deceased employee to claim appointment under the compassionate appointment scheme, although married sons and daughters of a deceased employee have been conferred such a right. Highlighting his grievance, the petitioner has approached the 4th respondent through Ext.P8 representation, and the limited prayer of the petitioner in the writ petition is for a direction to consider and pass orders on the same within a stipulated time frame, after hearing the petitioner.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader for the official respondents and also the learned Standing counsel for the respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the 4th respondent to consider and pass orders on Ext.P8 representation, after hearing the petitioner, within a period of two months from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the writ petition as also a copy of this judgment before the 4th respondent, for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp