

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 30302 of 2006 (G)

PETITIONER(S):

1. MEENAKSHI,
W/O.LATE L/NK. PVM NAMBIAR, VELLAPOIL HOUSE,
THALASSERY, P.O.WEST PONNIYAM, KANNUR DISTRICT.
2. REESHA, D/O.MEENAKSHI,
VELLAPOIL HOUSE, THALASSERY,
P.O. WEST PONNIYAM, KANNUR DISTRICT.

BY ADV. SRI.P.VIJAYAKUMAR.

RESPONDENT(S):

1. UNION OF INDIA,
REP. BY SECRETARY, MINISTRY OF HOME AFFAIRS,
NEW DELHI.
2. THE DIRECTOR GENERAL OF CRPF,
CGO COMPLEX, LODI ROAD, NEW DELHI.
3. INSPECTOR GENERAL OF POLICE C.R.P.F,
NORTH EAST SECTION, SHILLONG, MEGHALAYA.
4. DEPUTY INSPECTOR GENERAL OF POLICE CRPF,
CENTRAL RESERVE POLICE FORCE, KOHIMA, NAGALAND.
5. ADDITIONAL DEPUTY INSPECTOR GENERAL OF POLICE,
GROUP CENTRE, CRPF, BANGLORE-64.

BY ADV. SRI.N. NAGARESH, ASST. S.G. OF INDIA.
ADV. SRI.S.KRISHNAMOORTHY, CGC.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE DEATH REPORT OF 1ST PETITIONER'S HUSBAND ISSUED FROM THE OFFICE OF THE COMMANDANT CRPF.
- EXT.P1A COPY OF THE CONDOLENCE MESSAGE ISSUED ON BEHALF OF AUTHORITIES.
- EXT.P2 COPY OF THE REPRESENTATION DATED 01/07/1991 SUBMITTED BY THE 1ST PETITIONER.
- EXT.P3 COPY OF THE FORWARDING LETTER DATED 15/01/1992.
- EXT.P4 COPY OF THE COVERING LETTER DATED 05/11/1991.
- EXT.P5 COPY OF THE LETTER DATED 05/03/1992 THE COMMANDANT CRPF FORWARDED THE APPLICATION TO THE 4TH RESPONDENT.
- EXT.P6 COPY OF THE APPLICATION.
- EXT.P7 COPY OF THE FRESH SET OF APPLICATION FOR COMPASSIONATE APPONTMENT ON 20/03/2002 IN THE PROPER FORMAT.
- EXT.P8 COPY OF THE LETTER DATED 04/06/2003.
- EXT.P9 COPY OF THE REQUEST SUBMITTED BEFORE THE 4TH RESPONDENT.
- EXT.P10 COPY OF THE APPLICATION.
- EXT.P11 COPY OF THE COMMUNICATION DATED 08/12/2003.
- EXT.P12 COPY OF THE REPRESENTATION DATED 09/01/2006.
- EXT.P13 COPY OF THE COMMUNICATION DATED 24/03/2006.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.M.SHAFIQUE, J

W.P.C.No.30302 of 2006

Dated this the 12th day of October 2015

J U D G M E N T

Petitioners have approached this Court seeking for a direction to respondents 1 to 5 to provide suitable appointment to the 2nd petitioner as Havildar Clerk or other eligible post under the dying-in-harness scheme as dependent of late Sri.P.V.Madhavan Nambiar who died in service on 01/05/1983 as Lands Naik in C.R.P.F. They also challenged Ext.P13 by which their claim has been rejected by the respondents. In Ext.P13, it has been stated that the 2nd petitioner was not considered for appointment under the compassionate scheme on the ground that she has not qualified in the typing test at the time of assessing her suitability.

2. It is not in dispute that as per the scheme for compassionate appointment, claimant has to pass the requisite qualification test and should be qualified in terms with the requirement for the said post. Though the 2nd petitioner appeared for the test which was pre-requisite for considering her for appointment, she could not pass the test. When the scheme itself provides that for obtaining compassionate appointment, the

claimant has to pass the requisite qualification test, I do not think that this Court will be justified in directing appointment of the 2nd petitioner when she had not qualified in the requisite test. That apart, it is brought to the notice of this Court that, at the relevant time when Sri.P.V.Madhavan Nambiar expired, children were only 10 years, 7 years and 4 years respectively and presently they have all got married and are living separately.

Having regard to the aforesaid factual situation, I do not think that this Court will be justified in issuing any direction, as sought for and accordingly this writ petition is dismissed.

(sd/-)

(A.M.SHAFIQUE, JUDGE)

jsr

//True Copy//

PA to Judge

