

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

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937**

**WP(C).No. 21310 of 2014 (K)**  
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**PETITIONER(S):**  
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**SANDEEP N. AGED 22 YEARS  
NEROTH HOUSE, PALATH PO, KAKKODI VIA  
KOZHIKODE- 673 011**

**BY ADV. SRI.E.NARAYANAN**

**RESPONDENT(S):**  
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**1. STATE OF KERALA  
REPRESENTED BY ITS SECRETARY  
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT  
TRIVANDRUM-695 001.**

**2. THE KERALA STATE INDUSTRIAL ENTERPRISES LTD.  
ST.JOSEPH PRESS BUILDING, COTTON HILL  
TRIVANDRUM 695 014**

**Addl.3. M/S.KERALA SOAPS  
GANDHI ROAD, CALICUT. H.O., KOZHIKODE  
PIN -673 001,  
REPRESENTED BY ITS MANAGING DIRECTOR.**

**ADDL. R3 IS IMPEADED AS PER ORDER DATED 23/09/2014 IN IA 11730/2014.**

**R1 BY GOVERNMENT PLEADER M.J.RAJASREE  
R2 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR  
R2 BY ADV. SRI.P.GOPINATH  
R2 BY ADV. SRI.P.BENNY THOMAS  
R2 BY ADV. SRI.K.JOHN MATHAI  
R2 BY ADV. SRI.JOSON MANAVALAN  
R2 BY ADV. SRI.KURRYAN THOMAS  
R BY E.K.NANDAKUMAR STANDING COUNSEL R 2**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**VS**

**WP(C).No. 21310 of 2014 (K)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXT.P1 - TRUE COPY OF GO((P)NO.32/2007/PLG.DT. 7-6-2007**
- EXT.P2 - TRUE COPY OF NEWS PAPER REPORT PUBLISHING NEWS ITEM  
TO THE EFFECT THAT KERALA SOAPS & OILS LTD WAS RE-OPENED**
- EXT.P3 - TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER  
BEFORE THE 2ND RESPONDENT DATED 24-10-2013**
- EXT.P4 - TRUE COPY OF REPLY DATED 29-11-2012 ISSUED BY THE  
GOVERNMENT TO THE PETITIONER.**
- EXT.P5 - TRUE COPY OF REPLY DATED 1-2-2014 ISSUED BY THE 2ND  
RESPONDENT REJECTING THE APPLICATION OF THE PETITIONER.**
- EXT.P6- JUDGMENT IN WPC NO.30676/2009 DATED 16.11.2011 OF THIS  
HONOURABLE COURT.**
- EXT.P7- A PRINT OUT OF THE RELEVANT PAGES FROM THE WEBSITE OF THE  
SECOND RESPONDENT WWW.KSIE.NET.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

**/TRUE COPY/**

**PA TO JUDGE**

**VS**

**K.VINOD CHANDRAN, J.**

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**W.P.(C).No.21310 of 2014**  
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Dated this the 6<sup>th</sup> day of November, 2015

**JUDGMENT**

The petitioner claims to be the son of a deceased employee of the additional third respondent company, and seeks compassionate appointment. The petitioner's father was working in the Kerala Soaps & Oils Ltd., a company owned by the Government of Kerala and while he was on deputation in the Kerala State Beverages Corporation, he is said to have expired on 29.06.2003. The petitioner a minor at the time of his father's death, made an application on 01.02.2014 for compassionate appointment, which is indicated at Ext.P5.

2. The petitioner admittedly attained majority on 01.06.2010, since his date of birth as indicated in Ext.P3 is 01.06.1992. The compassionate appointment scheme of the Government of Kerala applicable to the public sector undertakings is produced as Ext.P1, which indicates that the application for compassionate

appointment can be made within 5 years from the date of death of an employee or if the dependent is a minor, within 5 years from the date of attaining majority.

3. The learned counsel appearing for the petitioner contends that though the statement of the respondent discloses that the third respondent is a different entity, a judgment of this Court, Ext.P6, directed two employees of the erstwhile Kerala Soaps and Oils Ltd., to be taken into the employment of the new entity. It is contended that at that point of time, the respondent did not have a case that there were two different entities. It is also contended that ultimately being a public sector undertaking, the Government is the employer and hence it is only proper that as per the scheme, the petitioner may be considered for compassionate appointment.

4. At the outset, it is to be noticed that the Government is not the employer and the Government only has the controlling shares in the public sector undertaking. The appointments and service conditions in the public sector undertakings would have to be regulated

by the specific conditions applicable to the particular company. True, there is a scheme as per Ext.P3 indicating that all public sector undertakings would be regulated by such scheme. But merely for the fact the Government has controlling power, the dependent of an employee of one company cannot seek employment in another company, even if both are public sector undertakings.

5. The statement of the additional third respondent discloses that the petitioner's father was employed in Kerala Soaps and Oils Ltd and the said undertaking was closed down and all the assets taken over by the Government. The second respondent had been allotted certain assets of the company specifically certain land and buildings and machinery of another unit, so as to revive operation and reduce the losses suffered by the Government. To further this purpose, the additional third respondent has created a different entity, for carrying on operations of the unit.

6. In such circumstances, the petitioner's father having been engaged in a totally different public sector

undertaking, there can be no claim raised for compassionate appointment in the separate company established much later. Further it has to be specifically noticed that the petitioner's father died in the year 2003 and despite there being a condition that the scheme would be applicable to minors for 5 years from the date of attaining majority, the basic principle behind any scheme for compassionate appointment is to provide the family with immediate succour to get over the financial difficulty faced by reason of the death of the sole breadwinner which stares against the petitioner.

For all the above reasons, the writ petition is found to be devoid of merit and is dismissed.

Sd/-  
**K.VINOD CHANDRAN**  
**JUDGE**

VS