

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 25275 of 2015 (H)

PETITIONER:

SANTHAKUMARI,
TRIPADAM, PILAKKATTIRI, PALAKKAD DISTRICT,
679 533.

BY ADVS.SRI.C.A.ANOOP
SMT.C.K.REMANY

RESPONDENTS:

1. SECRETARY,
PUNNAYURKULAM SERVICE CO-OPERATIVE BANK,
PUNNAYURKULAM, THRISSUR 679 561.
2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO CO-OPERATIVE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.

R1 BY ADV. SRI.V.V.SURENDRAN
R1 BY ADV. SRI.P.A.HARISH
R1 BY ADV. SMT.SAJITHA.S.DHARAN
R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1. COPY OF THE MEDICAL CERTIFICATE DATED 9.10.01 ISSUED BY DR. JAMES ANTONY, PSYCHIATRIST.

EXHIBIT P2. COPY OF THE REPRESENTATION DATED 18.10.14 SUBMITTED TO THE CHIEF MINISTER OF KERALA ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P3. COPY OF THE REPRESENTATION DATED 18.10.14 TO THE MINISTER FOR CO-OPERATION WITH COPY TO IST RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P4. COPY OF THE LETTER DATED 7.11.14 ISSUED BY PUNNAYURKULAM SERVICE CO-OPERATIVE BANK TO THE PETITIONER ALONG WITH ITS ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 25275 of 2015 (H)

Dated this the 20th day of November, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned Government Pleader and the learned counsel for the respondent Bank, apart from perusing the record.

2. The petitioner, having worked as a Secretary in the first respondent society, took voluntary retirement in 2002.

3. Now, the petitioner seems to have submitted Exts.P2 and P3 representations before the Hon'ble Chief Minister and the Hon'ble Minister for Co-operation respectively seeking compassionate appointment to her son.

4. The petitioner insists on having a mandamus to have her Exts.P2 and P3 representations considered by the authorities concerned at the earliest.

5. In response to the submissions made by the learned counsel for the petitioner, the learned counsel for the first respondent has submitted that there is no such scheme available in the respondent Bank to provide any compassionate appointment to

the legal heirs of any employee who retired on a voluntary basis, more particularly many years ago.

6. The learned Government Pleader, on his part, has submitted that a mandamus cannot be issued for a mere asking, unless there is a statutory compulsion for the officials to act.

7. There is sufficient strength in the submission of the learned Government Pleader as well as the learned counsel for the first respondent that a mandamus is not for a mere asking, more particularly against the executive involving the ranks of the Hon'ble Chief Minister and the Hon'ble Minister concerned.

8. Since the petitioner has failed to bring to the notice of the Court any particular provision of law under which the petitioner could seek relief, say, the compassionate appointment, this Court cannot issue any mandamus.

For the reasons stated above, this writ petition is dismissed. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

