

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 29149 of 2012 (P)

PETITIONER(S):

B.SALINI AGED 36 YEARS
D/O.LATE CHELLAYYAN YESUDAS
NOW RESIDING AT NARAYANAVILASAM, THAZHENADUVILAKAM
KANJAMPAZHINJI P.O., NEYYATTINKARA
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN

RESPONDENT(S):

1. THE GOVERNMENT OF KERALA
REPRESENTED BY SECRETARY
LOCAL ADMINISTRATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, PIN-695001.
2. THE MUNICIPAL CORPORATION OF THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM
PIN-695001.
3. THE TAHSILDAR
NEYYATTINKARA, THIRUVANANTHAPURAM, PIN-695121.

R1 BY ADV. GOVERNMENT PLEADER SRI T R RAJESH
R2 BY ADV. SRI.N.NANDAKUMARA MENON (SR.)
R2 BY ADV. SRI.P.K.MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 29149 of 2012 (P)

APPENDIX

PETITIONER(S) EXHIBITS

EXT P1: TRUE COPY OF THE CERTIFICATE ISSUED BY THE TAHSILDAR DT.18-6-2010.

EXT P2: TRUE COPY OF THE LETTER DT.29-12-2010 ISSUED BY R3.

EXT P3: TRUE COPY OF THE JUDGMENT DT.8-3-2011 IN WPC 7035/2011 OF THIS HON'BLE COURT.

EXT P4: TRUE COPY OF THE ORDER DT.13-7-2011 ISSUED BY R1.

EXT P5: TRUE COPY OF THE NOTICE DT.23-9-2012 ISSUED BY R3.

EXT P6: TRUE COPY OF THE REPLY DT.17-10-2012 SUBMITTED BY THE PETITIONER.

RESPONDENTS' EXHIBITS : NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 29149 of 2012

Dated this the 08th day of September, 2015

J U D G M E N T

The petitioner is aggrieved with the refusal of compassionate appointment which application has been rejected by Ext.P4. The petitioner is said to have made an application before the 2nd respondent after obtaining consent from the legal heirs of one Chellayyan Yesudas, who was a sanitation worker and who died in service on 8.4.2009. The petitioner claims that she was the daughter of the said Chellayyan Yesudas and hence made an application for employment under the Scheme. The application was directed to be considered by Ext.P3 and the same stood rejected as per Ext.P4.

2. A reading of Ext. P4 would indicate that the mother of the petitioner had entered into two marriages; one with Rajayyan Nadar and on his death with his brother Chellayyan Yesudas. The 1st respondent called for a report from the District Collector. The District Collector reported that the petitioner was

born to Rajayyan Nadar, who had first married the mother of the petitioner. The petitioner had even in her school records shown the name of her father as Rajayyan Nadar. Even in the birth certificate the name of Rajayyan Nadar was shown as her father. But, however, the same was corrected as Yesudas.

3. Considering the controversy raised, it cannot be presumed that the petitioner is the daughter of Yesudas, especially since, upon declarations made before the School authority, the petitioner had been shown as the daughter of Rajayyan Nadar to whom the petitioner's mother was first married. The 2nd marriage with Chellayyan Yesudas was after the death of Rajayyan Nadar. It is also stated that after the death of Rajayyan Nadar, one of his sons was given compassionate appointment under the Water Authority wherein he had employed.

4. The learned counsel for the petitioner submits that Ext.P2 has been issued by the Tahsildar and that is conclusive.

However, the District Collector's order on the basis of a report and the further proceedings initiated against the petitioner indicate that there can be no compassionate appointment granted to the petitioner. On the totality of the circumstances as indicated in Ext.P4, this Court is of the opinion that the invocation of the extraordinary jurisdiction under Article 226 is downright impossible and Ext.P4 has to be upheld.

Writ petition would stand dismissed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge