

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 30561 of 2012 (U)

PETITIONER :

**BAIJU CHANDRAN
KORMALA PUTHEN PURA HOUSE,
THRIKARIYOOR P.O. KOTHAMANGALAM.**

BY ADV. DR.GEORGE ABRAHAM

RESPONDENTS :

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDUTHI BHAVAN PATTOM,
THIRUVANANTHAPURAM-695 004.**
- 2. CHIEF ENGINEER (HRM)
KERALA STATE ELECTRICITY BOARD,
VYDUTHI BHAVAN PATTOM, THIRUVANANTHAPURAM-695 004.**

R1 & R2 BY ADV. SRI.K.S.ANIL, SC, KSEB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING**

bp

APPENDIX

PETITIONER(S) EXHIBITS

:

- EXHIBIT-P1 - TRUE COPY OF THE CERTIFICATE ISSUED BY THE KOTHAMANGALAM MUNICIPALITY OF DEATH OF PETITIONER'S MOTHER
K.N.THANKAMMA
- EXHIBIT-P2 - TRUE COPY OF THE REGULATIONS ALONG WITH AMENDMENTS
- EXHIBIT-P3 - TRUE COPY OF THE COMMUNICATION DATED 16-1-2012 ISSUED BY
THE 2ND RESPONDENT
- EXHIBIT-P4 - TRUE COPY OF THE CERTIFICATE ISSUED BY THE THAHASILDAR
CERTIFYING THE CYCLING ABILITY OF THE PETITIONER
- EXHIBIT-P5 - TRUE COPY OF THE CERTIFICATE ISSUED BY THE THAHASILDAR
CERTIFYING THE MARITAL STATUS DATED 24-3-2012
- EXHIBIT-P6 - TRUE COPY OF THE ORDER DATED 29-5-2012 ISSUED BY THE 2ND
RESPONDENT
- EXHIBIT-P7 - TRUE COPY OF THE LONG TERM SETTLEMENT OF 2007 BETWEEN
THE KERALA STATE ELECTRICITY BOARD AND ITS EMPLOYEES.

RESPONDENTS' EXHIBITS

:

- EXT.R2(a): COPY OF THE RELEVANT PAGES OF LONG TERM SETTLEMENT 2007.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 30561 OF 2012

Dated this the 11th day of March, 2015

JUDGMENT

The petitioner has approached this Court aggrieved by Ext.P6 order passed by the Kerala State Electricity Board. The petitioner approached the Board for compassionate appointment being the dependent of K.N. Thankamma who worked as a part time contingent Sweeper attached to the section office, Kothamangalam and died on 21/3/2011. The petitioner's claim was rejected stating that by the Long Term Settlement 2007, the dependent of PTC employees, who died before the age of 60, will not be eligible for appointment on compassionate ground. The petitioner challenges Ext.P6 on the ground that the Long Term Settlement cannot override the statutory regulations in deciding the eligibility for appointment of dependents of employees. The petitioner relies on Ext.P2 Regulations. He also relies on the judgment of this Court in **Rita Bella v. State of Kerala (2015 (1) KLT 691)**, wherein this Court held that Long Term

Settlement cannot override the Statutory Regulations in deciding the eligibility for appointment of dependents of employees who retire on invalid pension.

2. In the light of the above facts and circumstances, I am of the view that, if Ext.P2 is applicable, necessarily the petitioner's application for appointment on compassionate ground has to be considered by the 2nd respondent in terms of Ext.P2 and also in the light of the direction of this Court in Rita Bella's case (cited supra). Needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

3. In view of the above direction, the impugned order is set aside.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/ PS to Judge.

