IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 07TH DAY OF DECEMBER 2020 / 16TH AGRAHAYANA, 1942

WP(C).No.22334 OF 2020(N)

PETITIONER:

DEEPA S., AGED 40 YEARS
D/O.KRISHNANKUTTY, DEEPA BHAVAN,
MEERAYITHALA, THERUVUKULAPPADA P.O.,
NEDUMANGAD, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SMT. PRABISHA T.P.

RESPONDENTS:

1 **STATE OF KERALA,**
REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM-695001.

2 **DIRECTOR, LEGAL METROLOGY DEPARTMENT,**
THIRUVANANTHAPURAM-695001.

3 **ASSISTANT CONTROLLER OF LEGAL METROLOGY**
DEPARTMENT, DISTRICT OFFICE,
PATHANAMTHITTA-689645.

SRI. BIJOY CHANDRAN - SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has approached this Court seeking that she be offered compassionate appointment by the Legal Metrology Department, consequent to the death of her mother, Smt.Rajeswari.

2. When this matter was considered by me on 26.11.2020, in response to the afore submissions made on behalf of the petitioner by her learned counsel Smt.Prabisha T.P., the learned Senior Government Pleader, Sri.Bijoy Chandran, had submitted that the petitioner's biological mother is, in fact, a certain Smt.Vijayakumari and that there is nothing on record to show that Smt.Rajeswari had adopted her or that her father had married Smt.Rajeswari, making her the petitioner's stepmother, legally.

3. I had, therefore, directed the petitioner to file an affidavit explaining

whether the petitioner's biological mother Smt.Vijayakumari is alive and if not, when she had expired; and further whether her father, Sri.Krishnankutty, had married Smt.Rajewsari, her stepmother, legally.

4. When this matter was called today, the learned counsel for the petitioner submitted that her client has not been able to file an affidavit in the manner ordered by this Court, but argued that the order of the Legal Metrology Department rejecting her client's claim - a copy of which has been placed on record along with a memo, dated 16.11.2020 - is illegal, because it has been issued without hearing her. She, therefore, prayed that the order dated 17.06.2020 issued by the Legal Metrology Department be set aside and her client be given an opportunity of being heard also, so that she can urge the true factual position, before the said Authority.

5. When I examine the order of the Legal Meterology, produced on record by the learned Senior Government Pleader, it is obvious that the petitioner has not been heard and that the sole reason for rejecting her claim is that the Service Book of Smt.Rajeswari does not show her as a dependent. However, the question whether Smt.Rajeswari is the petitioner's stepmother and whether her biological mother is alive or otherwise have not been adverted to by the competent Authority of the Legal Metrology Department, while issuing the said order.

6. I am, therefore, of the firm view that the order now issued by the Legal Metrology Department, dated 17.06.2020, cannot obtain the imprimatur of this Court and that the said Authority must hear the petitioner also before taking a final decision.

In the afore circumstances, I order this

Writ Petition and set aside the proceedings of the Controller of the Legal Metrology Department, dated 17.06.2020 - produced along with the memo of the learned Senior Government Pleader, dated 16.11.2020; with a consequential direction to the said Authority to hear the petitioner also and to take a final decision on her claim, as expeditiously as is possible, but not later than three months from the date of receipt of a copy of this judgment.

Sd/-

DEVAN RAMACHANDRAN

RR **JUDGE**

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE RELEVANT PAGE OF THE SSLC BOOK OF THE PETITIONER.
EXHIBIT P2	TRUE COPY OF THE DEATH CERTIFICATE ISSUED BY THE MEDICAL OFFICE OF MEDICAL COLLEGE, KOTTAYAM DATED 16.3.2016.
EXHIBIT P3	TRUE COPY OF THE INCOME CERTIFICATE ISSUED BY THE UZHAMALAKKAL VILLAGE OFFICE DATED 29.4.2019.
EXHIBIT P4	TRUE COPY OF THE APPLICATION OF THE PETITIONER SUBMITTED BEFORE THE 3RD RESPONDENT.