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Vinod.a vs State of Kerala

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Court : Kerala

Decided On : Aug-01-2023

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/19112/2023

Appellant : Vinod.a

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945 WP(C) NO. 19112 OF 2023 PETITIONER: VINOD.A AGED 26 YEARS, S/O.LATE AYYAPPAN, RAMESWARAM COLONY, DOOR NO.26/1326, NAZREATH, COCHIN, PIN - 682002 K.S.MADHUSOODANAN M.M.VINOD KUMAR P.K.RAKESH KUMAR K.S.MIZVER M.J.KIRANKUMAR RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANAMTHAPURAM - 695001 2 DIRECTOR URBAN AFFAIRS, GOVERNMENT OF KERALA,

THIRUVANAMTHAPURAM, PIN - 695033 3 COCHIN CORPORATION REPRESENTED BY SECRETARY. 4 SECRETARY COCHIN CORPORATION, SMT.SAROJINI - GP SRI.K.JANARDHANA SHENOY - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2:

DEVAN RAMACHANDRAN, J.

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Dated this the 1st day of August, 2023

JUDGMENT

The petitioner says that his father Ayyappan unfortunately died while he was working as a sweeper in the services of the Cochin Corporation and that he, therefore, preferred Ext.P1 application for compassionate appointment, with the consent of the other two legal heirs. He says that even though this application was forwarded by the Corporation of Cochin to the Government of Kerala through Ext.P2, no action has been taken thereon, until now. He thus prays that either the Corporation of Cochin or the Government of Kerala be directed to take a decision on Ext.P1 application for compassionate appointment, within a time frame to be fixed by this Court; adding that he is going through extreme financial crisis both for himself and his family.

2. The learned Standing Counsel for the Corporation of

Cochin - Sri.K.Janardhana Shenoy, in response to the afore submissions of Sri.Madhusoodanan K.S. - learned counsel for the petitioner, affirmed that Ext.P1 has been forwarded to the Government through Ext.P2 and that it appears to be still pending.

3. The learned Government Pleader - Smt.K.G.Sarojini,

:3: submitted that, if Ext.P1 is still pending before the Government, as reflected in Ext.P2, then necessary action thereon will be taken without any avoidable delay.

In the afore circumstances, and since it is virtually without contest that the Authority to take a decision on Ext.P1 is the Government of Kerala, I order this writ petition and direct its competent Authority to take up the same and issue appropriate orders thereon, as expeditiously as is possible, but not later than two months from the date of receipt of a copy of this judgment. Needless to say, depending upon the decision to be taken by the Government and communicated to the Corporation of Cochin, all consequential action and orders will be issued by the latter, without any avoidable delay thereafter. Sd/- DEVAN RAMACHANDRAN JUDGE anm :4: APPENDIX OF WP(C) 19112/2023 PETITIONER EXHIBITS Exhibit P1 PHOTOCOPY OF THE RELEVANT PAGES OF APPLICATION FOR APPOINTMENT UNDER DYING HARNESS SCHEME DATED 05-06-2019 Exhibit P2 PHOTOCOPY OF THE FORWARDING LETTER

EXCLUDING ENCLOSURES DATED 09-11-2021 BEARING NO. MOH4/ 020283/ 19 OF THE ADDITIONAL SECRETARY OF 3RD RESPONDENT ADDRESSED TO THE 2ND RESPONDENT RESPONDENTS' EXHIBITS : NIL

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