



2026:KER:10167

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WP (C) No.11948 of 2019

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

WEDNESDAY, THE 4<sup>TH</sup> DAY OF FEBRUARY 2026/15<sup>TH</sup> MAGHA, 1947

WP (C) NO. 11948 OF 2019

PETITIONER/:

K.N.AMBIKA,  
AGED 63 YEARS  
(W/O.LATE P.SASIDHARAN, SENIOR ASSISTANT,  
KSEBL, VYDYUTHI BHAVAN, RETIRED ON 30.09.2000  
AND EXPIRED ON 21.5.2008), RESIDING AT  
KALARIKKAL HOUSE, TC 2/2154(2), ADARSH NAGAR,  
H.NO.242, PATTOM PALACE P.O.,  
THIRUVANANTHAPURAM, PIN-695004.

BY ADV SHRI.K.P.RAJEEVAN

RESPONDENTS:

- 1 KERALA STATE ELECTRICITY BOARD LTD.,  
REPRESENTED BY ITS SECRETARY, VYDUTHI BHAVAN,  
PATTOM P.O., THIRUVANANTHAPURAM, PIN-695004.
- 2 THE CHIEF ENGINEER (HRM),  
KERALA STATE ELECTRICITY BOARD LTD., VYDUTHI  
BHAVAN, PATTOM P.O., THIRUVANANTHAPURAM, PIN-  
695004.
- 3 ACCOUNTS OFFICER (PENSION& AUDIT)  
KERALA STATE ELECTRICITY BOARD LTD., VYDUTHI  
BHAVAN, PATTOM P.O., THIRUVANANTHAPURAM, PIN-  
695004.
- 4 THE COMMISSIONER OF POLICE



WP(C) No.11948 of 2019

POLICE GROUND, C V RAMAN PILLAI  
ROAD, PANAVILA, THYCAUD, THIRUVANATHAPURAM, KERALA  
695014 IS SUO MOTU IMPEDED AS ADDL R4 AS PER  
THE ORDER DATED 04/08/2025 IN WP(C)11948/2019

5 BINDU P., AGED 55 YEARS  
W/O JAYACHANDRAN V., T.C. 33/2042,  
'SREESYLAM', KARIMONKULAM ROAD, SPS LIBRARY,  
VATTIYOORKAVU, THIRUVANANTHAPURAM -695013-- IS  
IMPEDED AS ADLL. R5 AS PER THE ORDER DTD.  
18.8.25 IN IA 1/2025 IN WPC 11948/2019

BY ADVS.  
SHRI.M.K.THANKAPPAN, SC, KERALA STATE  
ELECTRICITY BOARD LIMITED  
SHRI.NOEL JACOB  
SRI.M.S.AMAL DHARSAN  
DR.THUSHARA JAMES  
SHRI.BHARAT VIJAY P.  
SHRI.THAREEQ ANVER  
SMT.MINU VITTORRIA PAULSON  
SMT.ARCHANA P.P.  
SMT.SHEHROON PATEL A.K.

OTHER PRESENT:

ADDL.R4 - SRI.JIMMY GEORGE, GOVERNMENT PLEADER  
ADDL.R5 - SRI. ARUN CHAND

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY  
HEARD ON 04.02.2026, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



CR

**J U D G M E N T**Dated this the 4<sup>th</sup> day of February, 2026

The writ petition is preferred by the widow of late P.Sasidharan, who retired from the service of the Kerala State Electricity Board Ltd. (*hereinafter referred to as the 'Board'*) as a Senior Assistant on 30.09.2000. The challenge raised in the writ petition is against Ext.P3 order issued by the 1<sup>st</sup> respondent, whereby sanction was accorded to keep in abeyance the disbursement of arrears of family pension amounting to Rs.15,96,000/- as well as the monthly family pension payable to the petitioner pending disposal of a vigilance enquiry. The enquiry was relating to the alleged irregular appointment obtained by Smt. Bindu P., the daughter and late P. Sasidharan (retired), the brother of late S. Rajappan, a former employee of the Board, under the compassionate employment scheme. The petitioner also seeks a direction to resume payment of the family pension



and to disburse all benefits due to her, as sanctioned under Ext. P2.

2. The short facts of the case are as follows:

The petitioner's husband retired from the Service of the Board as a Senior Assistant on 30.09.2000 on attaining superannuation. His pensionary benefits were sanctioned as per order dated 30.09.2000. Subsequently, on 21.05.2008, the petitioner's husband expired. It is the contention of the petitioner that, upon the death of her husband, she approached the 2<sup>nd</sup> and 3<sup>rd</sup> respondents for sanction of family pension, in the light of pension sanctioned to her husband as per Ext. P1.

3. It is also admitted that the petitioner was an employee of the Kerala Khadi and Village Industries Board and that she retired on superannuation. However, she could not take effective follow-up action to secure the family pension. Later, upon the persistent efforts of the petitioner, the family pension was revalidated, though it was claimed after eight years, which is beyond the prescribed period of



three years as stated by the Board in the light of the Board's decision dated 03.07.2017. However, Ext.P3 reveals that on the basis of a complaint pertaining to the employment granted under the compassionate appointment scheme, initially to the brother of the deceased Rajappan and later to his daughter, a vigilance enquiry was ordered. In the said circumstances, the 1<sup>st</sup> respondent issued a direction to keep in abeyance the disbursement of arrears of family pension amounting to Rs.15,96,000/- and the monthly family pension payable to the petitioner, pending disposal of the vigilance enquiry. It is in these circumstances, that the petitioner approached this Court by preferring this writ petition.

4. In response to the contentions raised, the learned Standing Counsel Dr. Thushara James, appearing for respondents 1 to 3 contended that it is an admitted fact in the pleadings itself, that the petitioner's husband had obtained employment on compassionate grounds in the year 1974, following the death of his brother, Late Rajappan, in



the year 1970, who was working as a Grade II Overseer under the Board. Her husband later retired from the service in the year 2000 and while drawing monthly pension, he expired on 21.05.2008.

5. It is further contended that the petitioner, who is also a retired employee of the Khadi and Village Industries Board, did not claim family pension until 2017. In fact, if family pension is not claimed within three years, it is required to be revalidated by the Board. Here, the petitioner applied only after eight years from the death of her husband. She approached the Chief Engineer (HRM) only on 02.03.2016, i.e., after eight years from the demise of her husband.

6. The reason explained for delay in submitting the application was that, after the death of her husband, she had been staying at different places in New Delhi with her sister and, thereby she failed to submit the application in time. However, the letter dated 22.03.2017 issued by the Secretary, Kerala Khadi and Village Industries



Board, revealed that the petitioner was working as Finance Officer in Khadi Workers Welfare Fund Board, Thiruvananthapuram, on deputation from 28.09.2007 to 31.03.2011, i.e., up to the date of her superannuation. There was no leave or absence other than the commuted leave taken for 22 days from 17.05.2008 to 07.06.2008, and it was also reported that she has been availing pension from the Khadi Board since 31.03.2011.

7. In such circumstances, the Board ordered a vigilance enquiry to find out the exact reason for non drawl of family pension within the prescribed time. Consequently, a report dated 24.07.2007 was obtained, revealing that the reason assigned by the petitioner was not true, and the explanation for condoning the delay was an erroneous one, on the apprehension that, otherwise the application for family pension would be rejected. Even then, on considering the fact that the petitioner had not contracted any remarriage and she is the sole legal heir to receive the family pension in respect of the deceased employee, the



family pension was revalidated as per Board order dated 03.07.2017.

8. It is also contended by the learned Standing Counsel that, though the Vigilance Department under the Board as well as the Police conducted a thorough enquiry into the matter, the allegations relating to the compassionate appointment of the petitioner's husband, which occurred nearly 50 years ago, could not be proved due to lack of material evidence. Consequently, the allegations against the appointment of both the petitioner's husband and the additional 5<sup>th</sup> respondent could not be established. However, the entries in the Personal Register pertaining to compassionate appointments made between 1974 and 1989 would show that the petitioner's husband had obtained a compassionate appointment and that the additional 5<sup>th</sup> respondent had also obtained an appointment under compassionate appointment.

9. Though the Vigilance Enquiry conducted in respect of the appointment of the additional 5<sup>th</sup> respondent



concluded that it was not discernible during the enquiry as to who had committed the fraud, for the reason that the files relating to such appointment could not be traced in respect of late P. Sasidharan. However, it was found that the employment was granted to the additional 5<sup>th</sup> respondent under compassionate appointment on the strength of a certificate issued by the Assistant Executive Engineer, who was holding charge of the Executive Engineer, Nedumangad, stating that none of the dependents of late Rajappan had obtained employment under compassionate appointment. The said officer has also expired.

10. In such circumstances, Board again referred the matter to the Police by Ext.R1 (c) letter to conduct a detailed enquiry to find out the fraud and to identify the real culprits who had secured the compassionate appointment illegally. Accordingly, case was registered and enquiry was conducted. However, in the final report, for want of sufficient material evidence, especially file relating to the appointment of petitioner's husband, refer report was



filed. However, it is a fact admitted in the pleadings of the writ petition by the petitioner that her husband was appointed under die-in-harness scheme. Two persons cannot be appointed as legal heirs of a deceased employee. Appointment of the additional 5<sup>th</sup> respondent was found to be correct in the enquiry conducted.

11. The additional 5<sup>th</sup> respondent has also filed a counter affidavit stating that there is no illegality in the appointment, in the light of the legal heirship certificate issued by the competent authority after following due procedure, wherein, the 5<sup>th</sup> respondent is shown as the second in the order of succession. Her mother, first in such order was denied employment as evident in Ext.R5(c). It is further stated that, on the strength of the certificate issued by the Executive Engineer of the 1<sup>st</sup> respondent Board, who was in charge of the Electrical Division, Nedumangad, certifying that she was eligible for appointment on compassionate grounds as per the Kerala State Electricity Board (Appointment of Dependents of Board Employees Who



Died in Harness) Regulations, 1985, and since no other dependent of the deceased employee had been appointed under the said Regulations, the appointment was granted. The 5<sup>th</sup> respondent was issued with appointment order dated 19.06.2019. It is further contended that though disciplinary proceedings were initiated against her and an inquiry was conducted, after due deliberation, the inquiry concluded that the 5<sup>th</sup> respondent had followed all prescribed procedures to obtain employment on compassionate grounds on account of her father's death. There is no evidence to prove that she had forged any document. Accordingly, she was exonerated from charges levelled against her.

12. In reply to the contentions advanced by the counsel for the Board, it is contended by Sri.K.P.Rajeevan, the learned counsel for the petitioner that the statement with respect to the appointment of her late husband under die-in-harness scheme was not within the direct knowledge of the petitioner, since her late husband obtained employment in the year 1974, whereas their marriage took



place on 21.04.1981. The petitioner acquired knowledge regarding the appointment of her late husband only from the information furnished by the Vigilance Officer.

13. In this regard, the learned counsel for the petitioner brought the attention of this Court to the version of the Vigilance Officer in his report, which is produced as Ext.R1(b), wherein it is stated that the petitioner was not aware how her husband had secured a job in KSEB. What she knew was that her late husband's brother, Rajappan, had expired while in service due to renal problems. In this regard, the petitioner has also filed an additional affidavit dated 01.02.2026.

14. I have considered the rival contentions across the Bar.

15. It is a fact that one Rajappan, who was Gr.II Overseer in the erstwhile KSE Board, expired in the year 1970. Immediately on the death of the said employee, as evident from Ext.R5(c), his wife, Pushpakumari, claimed employment. However, due to lack of sufficient



qualifications, she was denied the post claimed by her. Later, in the year 1974, Sri.P.Sasidharan, the brother of late Rajappan, obtained employment under the Board. After completing 26 years of service, Sri.Sasidharan retired from service on 30.09.2000 and his pension was sanctioned as per Ext.P1.

16. In the meanwhile, on 19.06.1990, the additional 5<sup>th</sup> respondent, who is the daughter of Late Rajappan and a legal heir and rightful claimant, obtained appointment as Gr.II OA under compassionate appointment in the Board. Later, on 21.05.2008, P.Sasidharan expired and his family pension was sanctioned on the basis of Ext.P1. However, the said pension was not claimed by his wife within three years, and for revalidation of the family pension, she approached the Board by submitting a representation stating that she was out of station, which prevented her from making a prompt follow-up. But on the further enquiry, particularly the vigilance enquiry, it was revealed that the reasons assigned by the petitioner for



revalidating the family pension were incorrect. However, on the basis of the fact that she had not contracted any remarriage, the Board came to a conclusion that she was the sole eligible person to claim family pension and took a decision to revalidate the family pension as evident from Ext.R1(a) and accordingly, accorded sanction for revalidation of the family pension.

17. Various enquiries were conducted by the Board through the Vigilance Wing, disciplinary proceedings as well as a police enquiry. None of the enquiries could pinpoint who had committed fraud in obtaining employment under the compassionate appointment scheme. However, the disciplinary enquiry as well as the Vigilance and Police enquiry, completely exonerated the additional 5<sup>th</sup> respondent. All the enquiries consistently failed to produce any valid evidence which shows that P.Sasidharan had obtained employment under the compassionate scheme by playing fraud. Except for an extract of the personal register indicating the details of persons who obtained appointment



under compassionate grounds, no other documentary evidence, including the service book of P.Sasidharan, was available with the Board. The real nature of the employment is yet to be revealed.

18. In such circumstances, the mere contention of the petitioner that her husband secured employment under the die-in-harness scheme cannot be treated as evidence to prove that P. Sasidharan obtained employment under the said scheme, especially in view of the finding of the Vigilance Officer that the petitioner was not aware of how her husband had secured employment in the KSEB. Hence, there is no sufficient reason to disbelieve the averments in the additional affidavit dated 01.02.2026. Therefore, the contentions raised by respondents 1 to 3 in this regard cannot be accepted.

19. Moreover, the Kerala Service Rules (KSR) have been adopted by the Board. Hence, the provisions of the KSR are applicable to the employees and retired employees of the Board. Rule 90 of Part III of the KSR



provides for the grant of family pension. Rule 90(6) defines “family” for the purpose of family pension and, under Rule 90(6)(a), includes the wife in the case of a male employee, and under Rule 90(6)(c), the eldest eligible son or daughter, etc.

20. In the present case, the primary concern is the grant of Family Pension to the wife of the deceased employee. The next question that arises is whether the employment or receipt of any other pension by the applicant or the wife of deceased can be a ground for denying family pension. Rule 90(7) of Part III KSR provides that family pension shall be admissible to a widow up to the date of her death or remarriage, whichever is earlier. Therefore, it can be presumed that the marital status of the surviving wife of the deceased employee is the sole criteria for the grant of family pension. The dependency condition applies only to parents, unmarried widow daughters and disabled children. This position has been clarified by this Court in ***Radhamony Amma v. State of Kerala* [2001 KHC 661]**, wherein it



was specifically held that a wife cannot be excluded from receiving family pension.

21. The Kerala State Electricity Board (Appointment of Dependents of Board Employees Who Die in Harness or Are Permanently Disabled and Retire on Invalid Pension) Regulations, 1985 prescribe the dependents eligible for appointment under the scheme, particularly under Clause 4, which reads as follows:

“4. Dependents eligible for appointment

(1) In the case of a married Board employee, the following relatives shall be the dependents eligible for appointment under these Regulations, in the order of priority specified below, namely:

- (i) wife or husband;
- (ii) son.

Provided that if the wife or husband, as the case may be, of a deceased Board employee has remarried, he or she shall not be eligible for appointment under these Regulations.

(2) In the case of an unmarried Board employee, the following relatives shall be the dependents eligible for appointment under these Regulations, in the order of priority specified below, namely:

- (i) unemployed brother;
- (ii) unmarried and unemployed sister;



- (iii) father;
- (iv) mother.”

22. From the above, it can be discernible that P.Sasidharan could be a dependent only if he comes under Regulation 4(1). Here, as evident from Ext.R5(c), a letter from the 1<sup>st</sup> respondent to the wife of deceased Rajappan, a person who comes under Regulation 4(1) had already claimed the compassionate appointment. Therefore, it was practically impossible for P.Sasidharan to claim appointment under Regulation 4(2). This presumption is entered in the circumstances that it was not proved otherwise in the enquiries conducted by the Board through various agencies.

23. Moreover, it is revealed from Ext.R1(d) that she had not given consent to P.Sasidharan to get employment and that she was not aware of how he had obtained employment. Therefore, there is no valid evidence which shows that P.Sasidharan had played fraud to obtain employment under the compassionate appointment scheme. As stated earlier, except for an extract of a personal register,



in the absence of original order of appointment disclosing the nature of appointment, this Court cannot find fault with the appointment of P.Sasidharan.

24. It is an admitted fact that P.Sasidharan continued in service till his superannuation and that his pension was sanctioned as per Ext.P1. It is also admitted that, the family pension was sanctioned upon his death. However, there was a delay in claiming the same which was admittedly, condoned and revalidated as evident from Ext.P2. However, disbursement of the family pension was withheld as per Ext. P3 solely on the ground that a Vigilance enquiry was pending in relation to the regular appointment granted to Smt. Bindu and P.Sasidharan. Now, as evident from Ext. R1(b) and the refer report produced as per memo dated 28.01.2025, no such enquiry, as mentioned in Ext. P3, is in existence as on date. As per the statutory prescription under Rule 90(6) of Part III KSR, the petitioner is legally entitled to receive family pension. As rightly noted in Ext. P3 itself, since the petitioner has not remarried, under Rule



90(7) of Part III KSR, she is entitled to disbursement of family pension and arrears thereof, in terms of Ext. P2. The Statute contemplates the entitlement of a widow to obtain family pension, subject to her status with respect to re-marriage and her being alive.

25. In fact, the Board was duty bound to ensure the eligibility of the persons appointed under compassionate employment scheme. The alleged appointment of the petitioner's husband occurred in the year 1974, which was even prior to the Regulations dated 29.04.1985, which have been placed before this Court. He completed his tenure of service, retired from service, and drew pension for a period of eight years, after which he expired. Hence, if the wife of the said person is not disqualified as per rule 90(7) of KSR Part III, she is entitled for family pension, which is a natural consequence.

26. The apprehension voiced by the counsel for respondents 1 to 3 is that the wife of the deceased Rajappan had already drawn family pension, that their daughter



obtained employment under the compassionate appointment scheme and is about to retire in two years, upon which she would also draw pension from the Board. In addition to that, the brother of the deceased Rajappan had also obtained appointment under the alleged compassionate appointment scheme and had drawn pension on retirement upon superannuation till his death and his wife is now claiming family pension, thereby creating a bad precedent. The said contention of the counsel cannot be accepted in the light of the legal position clarified above. If any fraud is found with respect to compassionate appointment in a case like this, it is for the Board to take appropriate steps in accordance with law, including cancellation of the sanction of pension, if warranted.

27. In the circumstances of the foregoing discussions, the 1<sup>st</sup> respondent is directed to disburse the amount as mentioned in Ext.P3 with resumption of disbursement of monthly pension, at the earliest, at any rate



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within a period of three months from the date of receipt of a certified copy of this judgment.

The writ petition is disposed of accordingly.

sd/-

**P.M.MANOJ**  
**JUDGE**

das

APPENDIX OF WP (C) NO. 11948 OF 2019

## PETITIONER EXHIBITS

- EXHIBIT P3 A TRUE COPY OFFICE ORDER (CMD) NO.930/2018 (ESTT.VIII/1906/2018) DATED 3.12.2018.
- EXHIBIT P2 A TRUE COPY OF ORDER NO.EBPS 20/1894/2000 DATED 22.09.2017.
- EXHIBIT P1 A TRUE COPY OF LETTER NO. PA. III.PPO.25186 DATED 30.9.2000.

## RESPONDENT EXHIBITS

- EXHIBIT R5 (c) The true copy of the letter of appointment request dated 03/12/1971 issued by the then Secretary of the 1st respondent Board
- EXHIBIT R5 (d) The true copy of the certificate of enquiry dated 08/08/1989 issued by the Executive Engineer (NC) In Charge, Electrical Division, Nedumangad, Kerala State Electricity Board
- EXHIBIT R5 (e) The true copy of the appointment order dated 26/06/1990 issued by Executive Engineer, Electrical Division, Trivandrum
- EXHIBIT R5 (f) The true copy of the enquiry report submitted by the Executive Engineer and Enquiry Officer before the Chief Engineer (HRM) obtained by the 5th respondent under the Right to Information Act, 2005
- EXHIBIT R1 (D) TRUE COPY OF THE PETITION DATED 3.12.18 SUBMITTED BY PUSHPAKUMARI TO THE CHAIRMAN AND MANAGING DIRECTOR, KSEBL.
- EXHIBIT R1 (C) TRUE COPY OF THE LETTER



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NO.EBVS.2/3/2019/158 DATED  
28.02.2019.

EXHIBIT R1 (B) TRUE COPY OF THE VIGILANCE REPORT  
NO.33/DYSP (VO.III)/KSEB/2018  
DATED 05.07.2018.

EXHIBIT R1 (A) TRUE COPY OF THE BOARD ORDER  
NO.B.O.D(F)NO.1696/2017/(ESTT.  
VIII/1909/2016) DATED 03.07.2017.