



2024/KER/6070

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 11TH DAY OF JANUARY 2024 / 21ST POUSHA, 1945

WP(C) NO. 33177 OF 2022

PETITIONER:

ARIFA T.K., AGED 33 YEARS



BY ADVS.
K.S.ARUN KUMAR
RAJEE P MATHEWS
AMRUTHA P S
VIJAY SANKAR V.H.
SRUTHY UNNIKRISHNAN
AISWARYA E J VETTIKOMPIL

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR, COLLECTORATE,
THAVAKKARA, KANNUR-670002.
- 2 THE REVENUE DIVISIONAL OFFICER
THALIPPARAMBA, KANNUR-670141.
- 3 THE TAHSILDAR, TALUK OFFICE,
PAYYANNUR, KANNUR-670001.
- 4 THE VILLAGE OFFICER, VILLAGE OFFICE,
KARIVELLUR, KANNUR-670521.

SMT. VIDYA KURIAKOSE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**CR****JUDGMENT**

The petitioner impugns Exts.P3 and P4 proceedings issued by the Tahsildar and Revenue Divisional Officer (RDO) respectively, whereby, her application for a Dependency Certificate, qua her now deceased father, has been rejected, saying that she had never been dependent on him, subsequent to her marriage.

2. Sri.K.S.Arun Kumar – learned counsel for the petitioner, argued that the sole reason stated in Exts.P3 and P4 is that his client is a married woman, but that this does not take her away from the ambit of the Government Order dated 24.05.1999. He pointed out that, as per Clause 14A of the said order, employment assistance will have to be given, *inter alia*, to a daughter; and that there is no distinction provided therein whether such person is married or otherwise. He then asserted that his client was *de facto* dependent on her father, since her husband had lost his employment; and hence, that she is imminently eligible to be granted relief, for which, she has already preferred Ext.P5 representation before the 1st



respondent – District Collector. He thus alternatively pleaded that the said Authority be directed to take up Ext.P5 representation and dispose it of, *de hors* Exts.P3 and P4, within a time frame to be fixed by this Court.

3. The afore arguments of the learned counsel for the petitioner were vehemently controverted by Smt.Vidya Kuriakose – learned Government Pleader, explaining that the intent and purport of the Government Order is to provide succour and assistance to eligible persons. She submitted that the petitioner does not fall, in any manner, within the contours requiring such assistance, because she admits unequivocally that she is married and was not dependent upon her father. She added that, though the petitioner does not disclose in the pleadings, the Authorities have reliable information that her husband is still working in India, after having engaged in an employment abroad for some period of time. She thus prayed that this Writ Petition be dismissed.

4. Pertinently, the Government Order referred to by both sides does not define the word ‘dependent’ or ‘dependency’. It can, therefore, only be construed to be carrying the same meaning as



normally attached to it, namely, that the person must be financially dependent on the deceased during his/her lifetime.

5. In the case at hand, very interestingly, the argument of Sri.K.S.Arun Kumar – learned counsel for the petitioner, was that, after his client married and so long as her husband was working abroad, she was dependent on him and not her father; but that, when her husband lost his employment and returned to India, her status as ‘dependent upon her father’, was restored because, she had no other financial resources to take care of herself, or even her mother.

6. The afore explanation of Sri.K.S.Arun Kumar certainly is farfetched to say the least because, dependency is a *de facto* situation, rather than being a *de jure* doctrine. When the learned counsel admits unequivocally that, after marriage, his client had no dependency on her father, since her husband was earning well, it is rather untenable to imagine that her dependency on her father stood ‘restored’ on her husband allegedly losing his job abroad. To add to this – to a pointed question from this Court – Sri.K.S.Arun Kumar admitted that his client’s husband is now working in India as a



Driver.

7. One, therefore, fails to fathom how the petitioner could even impel a case of dependency on her deceased father, though she may be justified in saying that her mother is facing financial crunch on account of his untimely death. However, this by itself, would not entitle the petitioner to claim the benefit of the afore Government Order, which is intended to provide succour by way of public employment. If persons who are not fully eligible to be granted benefits under the said Government Order are afforded the same, the purpose behind it would lose its integrity and intent, as rightly argued by the learned Government Pleader,

In the afore circumstances and for the reasons above, without entering into the questions of law, whether the Government Order would apply to married daughters or otherwise, I close this Writ Petition without any further orders.

RR

Sd/-

DEVAN RAMACHANDRAN
JUDGE



APPENDIX OF WP(C) 33177/2022

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE DEATH CERTIFICATE DATED 06.08.2021, ISSUED BY THE REGISTRAR, BIRTH AND DEATH, CORPORATION OF THE CITY OF MANGALORE
- Exhibit P2 A TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE DATED 18.12.2021 ISSUED BY THE 3RD RESPONDENT
- Exhibit P3 A TRUE COPY OF THE LETTER DATED 19.01.2022 ISSUED BY THE 3RD RESPONDENT
- Exhibit P4 A TRUE COPY OF THE LETTER DATED 16.06.2022 ISSUED BY THE 2ND RESPONDENT
- Exhibit P5 A TRUE COPY OF THE REPRESENTATION DATED 01.09.2022 TO THE 1ST RESPONDENT.