

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 27th May, 2010.

H.R.M.P.No 141 of 2010

Petitioner : Abdul Kalam.K.M,
Kollam Thazhchayil veed,
Niranam.P.O,
Thiruvalla Via, Pathanamthitta Dist.

Respondents : 1) The Managing Director,
Plantation Corporation of Kerala, Kottaym.
2) Manager, Kodumon Estate,
Plantation of Kerala, Nedumonkavu.P.O,
Pathanamthitta.

ORDER

The petitioner entered into service as a filed worker in Kodumon Estate which is under the control of the Plantation Corporation of Kerala and thereafter while he was working as a rubber tapper he suffered severe chest pain on 18-4-2009 and on 19-4-2009 he underwent an open heart surgery at Sree Chithira Tirunal Institute of Medial Science, Thiruvananthapuam. After his treatment he filed an application, supported with the medical certificate and treatment certificates issued by his doctor, before the Managing Director, Plantation Corporation of Kerala (R1) through the Manager of Kodumon Estate (R2) requesting him to appoint him in the post of a light work which do not require hard work but R1 through R2 issued a letter appointing him in the post of field worker from the tapping job. According to him, he joined in the said post on 14-9-2009

and on account of the heavy work he faced physical illness and got treatment at the Pushpagiri Hospital, Thiruvalla. The request of the petitioner is to help him to get a light work like, peon, watchman permanently since he cannot attend to any hard work on account of his illness and surgery.

A Member of this Commission took this petition on file and called for reports from the respondents 1 and 2 and R2 has filed the report. Since the Member has demitted her office the petition and the report are now placed before me.

In the report the second respondent has stated that the petitioner is a permanent employee appointed on daily wage basis and he underwent an open heart surgery at Sree Chithira Tirunal Medical Centre, Thiruvananthapuram, and the medical expenses legally entitled were reimbursed to him on the medical bills. According to the report, the petitioner filed an application before the management requesting to provide him with light work by removing him from rubber tapping job and the Director Board of the Corporation considered his request as a special case and took a decision vide item No.349 dated 18-8-2009 to give him field work and accordingly he was removed from tapping job permanently and gave the field work duty.

In the report it is also stated that the petitioner was appointed for the pruning work in the Koruvila Nursery and the petitioner has only attended this job, which is a light work, only for two days and thereafter he did not attend. Usually the employees, who are removed from the tapping work, are appointed in the

collecting station and since it is a hard work he was provided with pruning work, which is a light job and that the some others who are provided with filed work are attending their jobs regularly. It is also stated in the report that the post of peon/watcher, etc, are coming under the staff category and as per the existing rules in the Corporation, certain criteria and proceedings approved by the Government are prevailing for the appointment in the staff category posts from the labourers category and the Corporation is bound to act according to the said criteria and in the above circumstances, the request of the petitioner for appointing him in the post of peon/watcher under the staff category cannot be considered.

In view of the report of the second respondent there is no need to wait for the report of the first respondent.

The report of the second respondent clearly states that the request of the petitioner cannot be considered by the Corporation and the averments in the complaint and the report show that the matter relates to service dispute of the petitioner.

In the above circumstances, no further orders can be passed by this Commission in view of clause 17 (f) of the Kerala State Human Rights Commission (Procedure) Regulations, 2001.

The petition is closed. Send a copy of this order to the petitioner.

Justice N. Dhinakar,
Chairperson.