

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

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

Dated this the 5th March, 2010

H.R.M.P.No.44 of 2008

Petitioners : 1) M. George, Kakkathivila veetil,
Pandithitta, Thalavur Village,
Pathanapuram.
2) Kunjamma, W/o P1.

Respondent :

ORDER

The complaint of the petitioners' is that their son G.Reji died in an accident on 2-4-2002 while he was in Government service and the petitioners, Reji's wife and his daughter are his legal heirs but their daughter-in-law, after influencing the Village Officer, obtained the heir ship certificate in her favour and thus received the benefits of their deceased son.

A Member of this Commission took the petition on file and called for a report from the District Collector, Kollam. In the report it is stated that the petitioners' son Reji died on 2-4-2002 in an accident while he was serving in the Central Press, Thiruvananthapuram, and Reji married Bincy John and they have a daughter through the wedlock and that his legal heirs are the petitioners, his wife Bincy and his daughter Riya Reji. In the report it is further stated that on the application filed by Bincy John, wife of the deceased Reji, for legal heir ship certificate, after complying all legal formalities and after publishing in the gazette, the certificate was issued to her vide No.G-4-1898/02 K Dis, but as per the order dated 26-5-2003 of the High Court in O.P.No.30207/2002 filed in respect of a property dispute between the petitioners and Bincy, the above certificate

was canceled and thereafter she obtained a succession certificate from the Munsif Court, Punalur, and on the basis of the said succession certificate Bincy is receiving family pension at the rate of Rs.1,440/- and she also received the SLI, Family Benefit Scheme, GIS, etc, and that out of Rs.46,591/- sanctioned from the PF Bincy John did not accept Rs.22,197/-, the share of her and her daughter.

In the report it is also stated that the petitioners received the LIC policies of the deceased at several branches and also their share from the PF. amount. According to the report, prior to getting the order of appointment in dying in harness basis Bincy John obtained a job in the Agricultural Department and hence she rejected the appointment order sent in dying in harness basis and therefore the said order was cancelled. In the report it is further stated that in respect of the property dispute of the deceased a stay order is pending before the Sub Court, Kottarakkara, and that Bincy John and her daughter are settled at Pathanamthitta, and she is now at Thrissur as part of her official duty.

In view of the above report no further orders are required. Th petition is closed.

Justice N.Dhinakar,
Chairperson