

Before the Kerala State Human Rights Commission
Sitting at Wayanad

Present : Shri. K.E. Gangadharan
Hon'ble Member

Dated this the 9th July, 2010

HRMP No: 3932/08

Petitioner : Advocate S.Saikrishnan.

Respondents :

The to approach this commission with the following request. He highlights this Commission the death of many Adivasis (term used by the petitioner) for want of petitioner is an Advocate by Profession, whose good intention compelled him good hospital and due to lack of even minimum medical facilities in Wayanad District. The petitioner also points out that Wayanad is one of the backward Districts in many aspects of Kerala including in the health sector. Large number of tribal families are residing in this district. For any expert and better Medical consultation like other persons this socially backward tribes also have to approach hospitals in Calicut which is for them is not affordable or possible due to varying reasons like distance and vehicle convenience, so also financial conditions.

On the basis of the complaint taken on file the Commission called for a report from the Secretary, Health and Family Welfare Department. The report says that the Government had already taken various steps for improving medical facilities in Wayanad Districts. Steps were already taken to up-grade the CHC Manathavady to the grade of a General Hospital, rennovating the District Hopital, increased the bed-strength of District Hospital Manathavady to 500, Vythiri CHC is also upgraded to Taluk Hospital, Edavaka, Vellamunda, Appappara, Cheeral, Vazhavatta, Mullenkilli, Poothadi and Noolppuzha CHC were also upgraded as

PHC. More over the department is properly monitoring the timely distribution of medicins and equipments in these hospitals without giving room for any complaints from anybody.

On going through the complaint and the report of the Government, the Commission finds that the Health Authority has already taken number of positive steps for providing various medical facilities to the people in Wayanad District by upgrading the CHC in to PHC, increasing bed-strength of the District Hospital, providing medicines and equipments to the other hospital. But there is no reference regarding the specific request made by the petitioner in the petition to provide a speciality hospital with modern facilities in the District at least for the need of the socially backward group termed as adivasis in the complaint. As obsersved earlier there is speciality Hospital or any medical centre though equallent to Medical college, Calicut or non private hospitals of Calicut, in Wayanad Districst, considering the population of the District and the distance between these two districts the general public need a hospital with multiy facilities at suitable location to provide experts medical aid to all.

It is no secret that multy speciality hospitals even are on the increase in cities and other districts as medical profession also became profit oriented than service minded since hospitals are being opened by private individuals with the sole motive of money making. As noticed earlier this district is socially backward and a seizable population is even now down trodden. This being the social background even private individuals are reluctant to open a hospital with modern facilities considering the financial viability. Thus it is the duty of the Government to provide better and modern medical aid to the needy at the earliest without subjecting the poor people to financial exploitation in the name of medical assistants at the hands of private hospitals,

As noticed above the Government is not so far realised the total lack of better medical facilities in this districts as highlighted by the petitioner in this complaint. So this Commission proposes to request the Government to consider and implement the following recommendations.

1)The Government of Kerala should take necessary steps for establishing a Super Speciality Hospital in the Wayanad District.

2) The Government may also consider the feasibility of establishing multi speciality hospital in the co-operative sector as functioning in the near by Districts.

3) The Government may take urgent steps to provide better medical facilities to the existing Government Hospitals in the Wayanad District by keeping in mind that this is the backward district and most of the inhabitants in the districts are socialy and economically backward.

**Sd/-
K.E. Gangadharan
Member**

/True Copy/

REGISTRAR

Before the Kerala State Human Rights Commission
Sitting at Wayanad

Present : Shri. K.E. Gangadharan
Hon'ble Member

Dated this the 20th day of March, 2010

HRMP No: 5032/08, 571/09 & 1832/09

Petitioner : Shri.Bharathan.T,
Adattummal(h),
Thrikkarippur,
Kasargode.

Respondents : Managing Director,
Kerala State Road Transport
Corporatopion.

Petitioner present.

The compliant of the petitioner is that he had applied for a free bus pass in KSRTC buses on his physical incapacity and his application

was rejected by the respondent Corporation. The petitioner further states that along with the application for issuing bus pass he had produced a Medical Certificate in which it is stated that he is suffering from permanent Disability, that multiple Exostosis with deformity left shoulder (50% fifty percentage).

On the basis of the petition a report was called from the Managing Director, Kerala State Road Transport Corporation, Thiruvananthapuram. In the report it is stated the deformity caused to him is due to cerebral palsy and the Government has already issued an order stating that free bus pass can be given to persons who has physically handicapped due to the deformity in the bones.

It is to be noted that in the certificate issued to the petitioner by the District Medical Board on 10/02/99 is specifically stated that the petitioner is orthopedically handicapped due to the multiple Exostosis with deformity of left shoulder and he is having 50% disability.

On verification of the report of the Medical Board Commission feels that the petitioner is disabled due to the deformity in his bones. So the stand taken by the respondent is not acceptable.

Hence I direct the Managing Director, Kerala State Road Transport Corporation, Thiruvananthapuram to issue free bus pass to the petitioner with in 30 days from the date of the order.

Copy may be 1) Send to the petitioner
2) DTO Kasargode

Sd/-
K.E. Gangadharan

Member

/True Copy/

REGISTRAR

Before the Kerala State Human Rights Commission
Sitting at Wayanad

Present : Shri. K.E. Gangadharan
Hon'ble Member

HRMP No: 5032/08

Petitioner : Shri.Bharathan.T,
Adattumma(h),
Thrikkarippur,
Kasargode.

Respondents :

Petitioner present.

The compliance of the petitioner is that has appointed for a free bus pass in KSRTC basis on his physical incapacity and his application was rejected by the respondent Corporation. The petitioner further is stated that along with the application for issuing bus pass he had produced a Medical Certificate in which it is stated that he is suffering

from permanent Disability, that multiple Exostosis with deformty left shoulder (50% fifty percentage).

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It is to be noted in the certificate issued to the petitioner by the District Medical Board on 10/02/99. Specifically stated that the petitioner is orthopedically handicapped due to the multiple Exostosis with deformity of left shoulder and he is having 50% disability.

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Sd/-
K.E. Gangadharan
Member

/True Copy/

REGISTRAR

grievance of the petitioner is as follows.

The petitioner was selected as part-time contingent employee in the Veterinary Department, as per Order No B1-3998/96 G.K. Dt. 2/5/01 of the District Veterinary office, Kalpetta. As per the order it is specifically stated that petitioner has to join duty within 10 days of receipt of this order. But unfortunately the petitioner was not allowed to join duty since there was a typing error occurred while typing the name of the petitioner. The petitioner's name was typed as C.R.Prabhakaran, Chingavayalikkara Veedu, Mattilayam.P.O. Wayanadu instead of C.K.Prakasan, Chingavayalikkara, Mattilayil.P.O., Wayanadu. On receipt of the copy of order the petitioner brought this typing error to the notice of the District Veterinary Officer, Wayanad and after enquiry the District Veterinary Officer issued an order dated 24.5.2001 as order No Bi - 3998/96/G.K requested the Director Veterinary Department, Thiruvananthapuram to make necessary correction in the original order. Later in this regard the District Veterinary Officer, Wayanad as per his letter No. 1235/02, G.K. Dt. 12/8/2002 forwarded the certificate of Village Officer regarding the identify of the petitioner. On the basis of this letter the Director Veterinary Department, Thiruvananthapuram by its No G.C. 2/12847/2001 Dt. 6/8/2001 informed that the application of the petitioner and connected documents has already been forwarded to the

Government since the sanction of the Government is essential to make necessary correction and also informed that the matter will be intimated to the concerned in due course. Till this date the petitioner has not received a favourable order, hence the complaint.

On the basis of the petition the Commission issued notice to the District Veterinary Officer Wayanad and received report. The District Veterinary Officer Wayanad in his report informed that the matter is pending consideration before the Government.

I have examined the petitioner and the documents submitted before me by the petitioner, I feel that there is a violation of Rights of the petitioner. The Petitioner is knocking door to door for the last 9 years for rectifying a typing error occurred in the appointment order. It is pertinent to note that the original order was issued in the year 2001. Till this date the concerned authorities has not corrected the clerical error occurred while typing the name of the petitioner. The commission viewed this type of lethargy, and negligence on the part of officials concerned very seriously. Hence I direct the Government to issue necessary posting order to the petitioner within 30 days from the date of this order. It is also directed to make necessary enquiry to identify the Officers who is responsible for the delay and dereliction of duty.

Report. Compliance to this office.

**Sd/-
K.E. Gangadharan
Member**

/True Copy/

EGISTRAR

Before the Kerala State Human Rights Commission
Sitting at Wayanad

Present : Shri. K.E. Gangadharan
Hon'ble Member

HRMP No: 3564/05 & 3565/05

Petitioner : Suo-motu-
Deshabhimani Daily dated
26/10/2005 - Published from
Kozhikode.

Respondents :

Order dated 24th February, 2010

**This is a Suo-motu, taken on the basis of a news items in the
Deshabhimani daily regarding the unmarried mother. This is a matter
of 2005. Now this Social evil is activating considered by Government
and even Social Organization. Proceeding is closed.**

Sd/-
K.E. Gangadharan
Member

//True Copy//

REGISTRAR

Before the Kerala State Human Rights Commission
Sitting at Wayanad

Present : Shri. K.E. Gangadharan
Hon'ble Member

HRMP No: 3564/05 & 3565/05

Petitioner : Suo-motu-
Deshabhimani Daily dated
26/10/2005 - Published from
Kozhikode.

Respondents :

Order dated 24th February,2010

**This is a Suo-motu, 2010 taken on the basis of a news items in the
Deshabhimani daily regarding the unmarried mother.**

This is a matter of 2005.

**Now this Social evil is considered by Government and even
Social Organization.**

Proceeding is closed.

**K.E. Gangadharan
Member**

Before the Kerala State Human Rights Commission
Sitting at Kozhikode

Present : Shri. K.E. Gangadharan
Hon'ble Member

HRMP No: 5003/09

Petitioner : A.P.Balan.

Respondents : District Manager,
Telecom, Kozhikode.

Order dated th ,2010

The grievance of the petitioner is that he was a casual labourer engaged in Calicut SSA with effect from 6/10/1978 and the service was regularised in the year 1980. Due to serious illness he was not able attend for duties and later in the year 1990 rejoined for duties and thereafter he was terminated from the service on . Against this the petitioner preferred an application before the Labour Court, Kozhikode as ID (C) No. 7/95 and the Hon'ble Labour Court in its order dated 29/10/1997. Ordered the Management to reinstate the petitioner as an approved casual Mazdoor with all the benefits and privileges and continuity of service which a Casual Labourer is entitled to against this order the BSNL has moved a Writ Petitioner before the Hon'ble High Court of Kerala as OP 7391/08. The Hon'ble High Court upheld the order of the Labour Court vide Judgement dated 4/2004. Dissatisfied by the judgement the Management preferred a Writ Appeal as WA 1062/2004 and the same was also dismissed. Again the Management preferred an SLP before the Hon'ble Supreme Court of India as CA No. 2026/2006 and the Hon'ble Supreme Court dismissed the Civil appeal vide its Judgement dated 6/08/2009. Aggrieved by the above judgement the Management filed a Review Petition and now the Hon'ble Supreme Court dismissed the petition vide its order dated 21/04/2010 with an observation that 'we do not find any error apparent on the face of the record which called for review.

The General Manager, Telecom has filed detailed statement narrating all the aspects. The report reveals that the petitioner was a casual labourer engaged in SSA. Calicut with effect from 6/10/1978. The said Casual labourer abandoned the work with effect from 9/9/1980 without intimation and remained absent unauthorised. On 1/08/1986 he approached the AE (Cables) Calicut with an request for re-engagement. Though the Department has banned engagement of casual labourer after 31/3/1985, those who worked prior to 1985 were permitted to be re-engaged and according to that relaxation the petitioner was re-engaged as a special case on sympathetic consideration with effect from

1.08.,1986. In this report it is revealed that the petitioner had worked upto 31/12/1986 and after that his whereabouts were not known till 19/06/1989. On 19/06/1989, he submitted a representation to the District Manager Telecom, Calicut for re-engagement and the same was rejected. It is against this order he filed a petition before the Labour Court, Kozhikode, Calicut and the Hon'ble Labour Court vide its order dt. 29/10/1997 ordered the Management to reinstate the workers as an approved casual Mazdoor with all the benefits and privileges and continuity of service which a casual labourer is entitled. Against the order the Management filed Writ Petition before the High Court, Writ Appeal before the Division bench, SLP before the Supreme Court and lastly a review petition.

Petitioner was heard dated and perused the photocopy of the order of Hon'ble Supreme Court in the revision petition filed by the BSNL. It is seen that the revision petition filed by the BSNL is dismissed. This Commission finds that the BSNL has filed various petitions and Appeal against the order of the Hon'ble Labour Court by using public fund. On a plain reading of the petition and report of the BSNL it is seen that the petitioner already paid huge amount towards defending the appeals and petitions filed by the BSNL and also lost valuable time for defending litigations. He being a casual labourer has suffered a lot during these period. The attitude on the part of BSNL is far from imagination. It is a clear violation of right of the petition. In the above background this Commission orders that, the Management is bound by the order of the SC and to reinstate the petitioner in service as an approved Casual Mazdoor with all the benefits and privileges and continuing of service which a casual labour is entitled to within one month from the date of receipt of this order.

Ordered accordingly.

**Sd/-
K.E. Gangadharan
Member**

/True Copy/

REGISTRAR

Before the Kerala State Human Rights Commission
Sitting at Wayanad

Present : Shri. K.E. Gangadharan
Hon'ble Member

HRMP No: 154/2010

Petitioner : Rajisha Melodan.

Respondents : Govt. Higher Secondary School
Principal, Kaniyampetta, Wayanad.

Dated this 2nd July, 2010

Petitioner was employed a Guest Lecture in Kaniyampetta Government Higher Secondary School, where the respondent was the Principal at the time also. The grievances alleged in the petition are that though she had worked there for a period from 5/6/2009 to 19/12/2009, the salary of the last 19 days and the festival allowance were not released to her.

The respondent, the Principal filed a report stating that the petitioner had received the salary for the period from 5/6/09 to 30/11/2009 and she maintained the Log Book for that period. But in case of salary for the last 19 days she relectant to write the log book. The report also stated that in respect to the second claim of the petitioner i.e, the release of special festival allowance, the petitioner refused to produce the necessary certificate as per GO (P) No. 345/09/Fin dt. 14/8/09. As per the report of the respondent, the petitioner had submitted the same petition before the Womens Commission and in that petition Commission directed to submit the log for the disputed period for getting the salary and also directed to release the special festival .allowance eligible to the petitioner after obtaining an undertaking from her to remit the amount in case audit objection and the same was released to the petitioner. The salary of the last 19 days was not released

to her since she refused to write the log even after the order of the Womens Commission.

Against the report of the respondent, the petitioner filed objection along with the details obtained from the Higher Secondary Directorate regarding the guidelines for appointment on daily wages. Though there was any direction in the guidelines regarding the need for maintaining log, it is further observed that there is nothing wrong in maintaining log books for making proper assessment of the work done by a teacher.

Unnecessary dispute is being dragged. The Respondent principal is directed to release the amount due to the petitioner, if she submit the log for that period and avoid further conflict.

Sd/-
K.E. Gangadharan
Member

/True Copy/

REGISTRAR

Before the Kerala State Human Rights Commission
Sitting at Thrissur

Present : Shri. K.E. Gangadharan
Hon'ble Member

HRMP No: 1145/2008

Petitioner : Latheef & Others
Elite Quarters

Respondents : Lekshmanan,
Sobha,
Narayanan Kutty.

Dated this 31st December. 2008

As it is prima-facie shown that the issues have been settled
by the Deputy Superintendent of Police, Kunnamkulam, further
proceeding are dropped.

Sd/-
K.E. Gangadharan
Member

/True Copy/

REGISTRAR

Before the Kerala State Human Rights Commission
Sitting at Thrissur

Present : Shri. K.E. Gangadharan
Hon'ble Member

HRMP No: 2161/2008

Petitioner : Mohanan

Respondents :

Dated this 26th June, 2000

**Report filed. Petition submit. He is transmitted Trichur Division.
Petition closed.**

Sd/-
K.E. Gangadharan
Member

/True Copy/

REGISTRAR

