

**ABSTRACT**

Establishment - Restricting employees belonging to Officer category from accepting membership or functioning as office bearers of Trade Unions - Sanctioned - Orders issued.

CORPORATE OFFICE (PERSONNEL)

B O (FTD) No. 2147/2017 (PSI (A)/WP (C) No. 18766/2017) TVPM, Dated 19.08.2017

- Read:-
1. B O No. EA II - 18722/73 dated 19.01.1980
 2. Circular No. PS I/2946/2001 dated 05.01.2002
 3. B O (FB) No.1472/2013 (PSI (b)/3789/2011) dated 06.07.2013
 4. Proceedings No. EB (7)/General/WP (C) No. 11027/2017 dated 30.05.2017 of the Chief Engineer (HRM)
 5. B O No. BS1(B)-63/60 dated 07.04.1961

ORDER

The Board has clearly distinguished the employees of Kerala State Electricity Board Limited as Officers and Workmen. While the posts classified as belonging to workmen categories have trade union rights, those distinguished as officers categories come under the Government Servants Conduct Rules 1960. The said Rules have been made applicable to employees belonging to Officer categories vide Board Order read as 5th paper above. Accordingly, the Board had issued order read as 1st paper above preventing employees belonging to Officer cadre from engaging themselves in trade union activities and unconditionally ordered to relinquish membership in Trade Unions in the event of promotion to Officer cadre from workmen. Noticing that certain employees, even after being promoted to Officer cadre are engaging themselves in the capacity of office bearers in Trade Unions violating Board's Orders, the Board issued a Circular read as 2nd paper above strictly instructing the employees to refrain from violating Board's Orders, reminding of disciplinary action ordered earlier in such instances.

Later in compliance of the judgement in WP (C) No. 16340/2011 (N), against a petition filed by an employee, the Board, vide Order 3rd read, ordered that the

Board will not permit non-workmen, including those who have retired from Board's service, to represent workmen in the meetings held by the Board. It was also ordered that the above policy decision will be implemented on commencement of functioning of the new entity viz, KSEBL.

While so, another petition came up before the Hon'ble High Court of Kerala regarding the issue. In compliance of the judgement in the said petition, the Chief Engineer (HRM) issued the Proceedings read as 4th paper above. The said Proceedings was challenged vide WP (C) No. 18766 of 2017. In the writ petition, the petitioner has claimed that the new entity ie, Kerala State Electricity Board Limited has not issued any orders restricting officers from representing trade unions. In order to facilitate transition of the erstwhile KSEB into KSEB Limited, a company incorporated under the Companies Act 1956, a transfer scheme was formulated in which it was provided that all service conditions which were in force before such transfer will continue to exist and will be in force in the new entity.

Recognition is granted to registered Trade Unions functioning in KSEB Limited by conducting referendum based on the provisions contained in The Kerala Recognition of Trade Unions Act 2010. So also, recognition is granted to registered Trade Unions based on the votes tendered by workmen alone in the referendum. Employees belonging to Workmen categories are only permitted to take part in the voting. From the above, it is evident that the statutes permit only workmen to engage in trade union activities.

In the above circumstance, the Board, after careful consideration of the various aspects involved and also based on all instructions issued earlier in this regard, is pleased to order the following:

1. All employees of Kerala State Electricity Board Limited who belong to Officer categories shall not engage themselves in trade union activities, either as ordinary member or office bearer, from the date of this order. Employees belonging to Officer categories who are presently holding office of Trade Unions shall sever all such relations with immediate effect.

2. Hereafter, all promotions from workmen to Officers, shall be effected only after obtaining a written declaration from the employee concerned in the appended format.

This order is issued in supersession of all instructions issued earlier in this regard. Any instances of violation of the provisions of this order will be viewed seriously and offenders proceeded against without further notice.

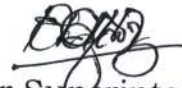
By Order of the Full Time Directors
Sd/-

Unnikrishnan.P.G
Secretary (Administration)

Copy to:

All Chief Engineers/Deputy Chief Engineers/Executive Engineers
The Financial Adviser/Chief Internal Auditor
The Company Secretary (In charge)/Chief Public Relations Officer
The Deputy Secretary (Admn.)
TA to Chairman & Managing Director/PA to Director (Finance)
TA to Director (CP, Generation-Electrical, SCM & Safety)
TA to Director (G-C & HRM)/TA to Director (Distn. & IT)
TA to Director (T & SO)/CA to Secretary (Administration)
The FC Superintendent/Record Section/Library/Stock File.

Approved for issue



Senior Superintendent

സത്യപ്രസ്താവന

----- (പേര്) എന്ന
ഞാൻ ----- തസ്തികയിൽ നിന്നും
ഓഫീസർ തസ്തികയായ ----- തസ്തികയിലേക്ക്
----- തിയതി മുതൽ സ്ഥാനക്കയറ്റം സ്വീകരിക്കുന്നതിനാലും
ഓഫീസർമാരുടെ പെരുമാറ്റച്ചട്ടങ്ങൾ എനിക്കു ബാധകമാണെന്നു ബോധ്യമുള്ളതിനാലും
ഞാൻ അംഗമായിരുന്ന ട്രേഡ് യൂണിയനിലെ അംഗത്വവും/ഭാരവാഹി സ്ഥാനവും
ഒഴിയുകയും ഭാവിയിൽ ഒരുതരത്തിലുള്ള ട്രേഡ് യൂണിയൻ പ്രവർത്തനവും
നടത്തുകയില്ലെന്നും ഇതിനാൽ സത്യപ്രസ്താവന ചെയ്യുന്നു.

സ്ഥലം:

ഒപ്പ് -----

തിയതി:

പേര് -----

തസ്തിക -----

എംപ്ലോയീ കോഡ് -----

Sd/-
Secretary (Administration)