



## KERALA STATE ELECTRICITY BOARD LTD

(Incorporated under the Companies Act, 1956)

Registered Office : Vidyuthi Bhavanam, Pattom

Thiruvananthapuram, Kerala - 04,

Web: www.kseb.in CIN : U40100KL2011SGC027424.

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### Abstract

Disciplinary action against Sri. Prakashkumar.P.T., Assistant Engineer, O/o the Director (Distribution, IT & SCM) Vidyuthi Bhavanam, Thiruvananthapuram- Appeal petition submitted -Appeal disposed - Order issued.

### **CORPORATE OFFICE VIGILANCE WING**

**B.O(DB)No.399/2023(Vig/B3/100-305/2022)dated,Tvpm:18/08/23/3814**

- Read:-
1. Vigilance Enquiry Report No.Vig.B3/100-305/2022 dated 21.06.2022.
  2. Memo of Charges with Statement of allegation Vig B3/100-305/2022 issued by Chairman & Managing Director on 01/08/2022.
  3. Reply to the Memo of Charges dated 17.08.2022 submitted by Sri Prakashkumar.P.T.
  4. Show Cause Notice issued Vig B3/100-305/2022 dated 01/12/2022.
  5. Reply to the Show Cause Notice submitted by Sri.Prakash kumar on 17.12.2022.
  6. Personal Hearing conducted by Director (HRM) on 18.01.2023.
  7. Written statement submitted by Sri. Prakashkumar, Assistant Engineer during personal hearing.
  8. Appeal petition dated 13.03.2023 submitted by Sri. Prakash Kumar.P.T
  9. Note No. Vig/B3/100-305/2022 dated 05.07.2023 of the Chairman & Managing Director.
  10. Proceedings of the adjourned 72<sup>nd</sup> meeting of the Board of Directors held on 27.07.2023 (Agenda item No.15-07/2023).

### **ORDER**

Sri.Prakashkumar.P.T, Assistant Engineer, O/o the Director (Distribution, IT & SCM) Vidyuthi Bhavanam, Thiruvananthapuram was served with Memo of Charges with Statement of allegation, for committing

misconduct by posting disgraceful and defamatory comments against the former CMD of KSEB, and against the the Prime Minister of India on his Face book account named Prakashkumar. P.T and there by tarnished the image of the Board before the public. By committing this misconduct, he had violated the directions contained in the circular issued by the Secretary (Administration) dated 25.05.2020 and violated the rules 60 to 62 of the Kerala Government Conduct Rules 1960.

On his reply to the Memo of Charges, he admitted that he had made a comment on the video footage of a public speech made by former Chairman & Managing Director in his Face book account on 26.04.2022. The speech was circulated and aired in all the visual media in the subsequent days and was widely discussed among the general public and the employees of KSEBL. He defended that the speech made by the former CMD was not in public policy, and was entirely personal. Being an issue of general nature, and as so many responded and as part of the discussions, he made a comment recounting an old observation in a book written by Smt. Arundati Roy and made the controversial comment on the footage of the video. He contended that he had made no comment on the appropriateness of the opinion of author or that of the former Chairman & Managing Director and had not made any negative comment against the former Chairman & Managing Director or political leaders.

He opined that the allegation against him was a violation of Art 19 (1)(a) of the Constitution of India as freedom of speech and expression is in built in the basic structure of the Constitution of India and hence the charge itself is against the fundamental right to freedom of opinion and expression. Moreover the Face book post was not one posted publicly in social media, but circulated only among his friends which constitute a private group and the restrictions imposed under Rule 62 or 63 has no application in this case and hence he had not committed any misconduct or violated CCA Rules, further action may be dropped as a measure of fulfillment of canons of propriety and natural justice .

On going through the reply to the memo of charges, the Chairman & Managing Director came to the conclusion that, he had violated the directions contained in the circular issued by the Secretary (Administration) dated 25.05.2020 and violated the rules 60 to 62 of the Kerala Government Conduct Rules 1960, by posting unnecessary comments against former CMD. Regarding the fundamental rights he averred, there are reasonable restrictions on the exercise of the above rights in the interest of Sovereignty and Integrity of the State. Article 309 empowers the appropriate Legislatures to regulate the conditions of service of persons appointed to public service. By virtue of the power vested by this Article, various sets of rules have been framed by the Union and the States regulating the conduct of civil servants. The Kerala Government Servants Conduct Rules 1960 place many restrictions on the activities of the concerned civil servants including their fundamental freedoms enshrined in the constitution. By these rules a civil servant is prohibited from criticizing Government and superior officers. The nature of duties of a civil servant necessitates certain restrictions on his normal duties.

After examining the reply to the Memo of Charges, it is found that the reply was not sufficient enough to exclude him from the misconduct committed by him. Hence a Show Cause Notice was issued on 01.12.2022, proposing a punishment of barring one increment without cumulative effect. In the reply to the Show Cause Notice, Sri. Prakash Kumar requested for an opportunity for a Personal Hearing. Considering his request a Personal Hearing was conducted on 18.01.2023 by the Director (HRM) as instructed by the CMD. During Personal Hearing, he submitted a written Statement as additional document to defend his side.

The Chairman & Managing Director examined the entire file along with the reply to the Show Cause Notice, Minutes of the Personal Hearing and his written statement of defence and concluded that the arguments put forward by him are not sufficient to exclude him from the proposed

punishment and that Sri.Prakashkumar.P.T, deserves a minor punishment for the lapses occurred from his part.

Hence the punishment of barring one increment without cumulative effect proposed on Sri.Prakashkumar.P.T, Assistant Engineer was confirmed by the proceedings of the Chairman & Managing Director dated 16.02.2023.

Against the punishment Sri.Prakashkumar.P.T submitted an appeal petition before the Chairman & Managing Director. On perusing the file appeal petition and connected documents the Chairman & Managing Director ordered to place the matter before the Board of Directors for taking a final decision.

Accordingly the matter was placed before the Board of Directors as per the Note read as 9<sup>th</sup> above. Having considered the matter in detail the Board of Directors in the adjourned 72<sup>nd</sup> meeting held on 27.07.2023,

Resolved not to review the orders of Chairman & Managing Director dated 16.02.2023 imposing a punishment of barring one annual increment without cumulative effect upon Sri.Prakashkumar.P.T , Assistant Engineer.

Orders are issued accordingly.

By Order of the Directors Board  
Sd/-  
**G. Lekha**  
**Company Secretary**

To

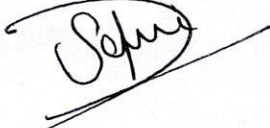
Sri. Prakash kumar.P.T,  
Assistant Engineer,  
O/o the Director (Distribution, IT & SCM)  
Vydyuthi Bhavanam,Thiruvananthapuram.

[Through the Director (Distribution, IT & SCM) Vydyuthi Bhavanam,Tvpm] Proceedings in triplicate is forwarded herewith. The original may be served on the addressee and duplicate returned with dated acknowledgement of the party.

Copy to:-

1. The Chief Engineer (HRM),
2. The TA to the Chairman & Managing Director.
- ✓ 3. The Company Secretary.
4. The Accounts Officer (Bill Section).
5. Stock File.

Forwarded/ by Order



Senior Superintendent