



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

Reg. Office: Vydyuthi Bhavanam, Pattom, Thiruvananthapuram – 695 004, Kerala

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Abstract

Compliance of the Common Judgment dated 03.06.2022 of the Hon'ble High Court of Kerala in WPC No.11449/2021 filed by Sri. Rajesh. S and others and WP (C) No.21293/2022 filed by Smt. Mini. K N and others challenging the Seniority Protection Clause embedded in the B.O No. D. IV-8927/1968 dated 07.08.1969 regarding promotion to the cadre of Assistant Engineer (Civil) from Sub Engineer (Civil) – Issuance of Revised Order to the B.O (FTD) No.938/2022 (LAS.I/4551/2022) dated 03.12.2022.

CORPORATE OFFICE (LAW)

B.O. (FTD) No. 108/2023 (LAS.I/4551/2022) Dated, Thiruvananthapuram 06.03.2023

- Read: 1. Common Judgment of the Hon'ble High court of Kerala dated 03.06.2022 in WP (C) No.11449/2021 and WP(C) No.21293/2020.
2. Board Order No.D.IV-8927/1968 dated 07.08.1969.
3. Judgment dated 02.07.2014 of the Hon'ble High Court of Kerala in WP(C) No.30511/2012.
4. Proceedings No. LAS.III/07/WP(C)No.30511/2012/14-15 Dated, Thiruvananthapuram, 16.09.2014 of the Secretary (Administration).
5. Note No. LAS.I/4551/2021 dated 14.11.22 of the Deputy Secretary (Administration) (Agenda No.53/11/22).
6. B.O. (FTD) No.938/2022 (LAS.I/4551/2022) Dated, Thiruvananthapuram, 03.12.2022.
7. Representation dated 17.12.2022 of Kerala State Electricity Workers Association (CITU).
8. Office Note No.CS/General/2015-16 dated 31.12.2022 of the Chief Internal Auditor and Company Secretary-in-charge.
9. Note No. LAS.I/4551/2021 dated 07.02.2023 of the Deputy Secretary (Administration) (Agenda No.23/2/23).

ORDER

The Writ Petition Nos.11449/2021 & 21293/2020 were filed praying to direct the respondent Kerala State Electricity Board Limited to effect promotion as Assistant Engineer (Civil) to the 20% quota earmarked for promotion for ITI certificate holders untrammelled by the Seniority Protection Clause as per Board Order read as 2nd above.

The Hon'ble High Court disposed the Writ Petitions as per the common Judgment read as 1st above. The Hon'ble Court set aside the exhibit P6 order read as 4th and directed KSEBL to take a decision on the question whether the 'Seniority Protection Clause' is to be continued or not, after adverting to the common Judgment and conclusions in Direct Recruit Clause II Engg. Officers' Assn. V. State of Maharashtra, (1990 \angle SCC 715). It was also ordered that before taking the decision, an opportunity of hearing shall be afforded to the named representatives of the ITI Certificate holders and the Diploma holders in the cadre of Sub Engineer (Civil) and all provisional promotions affected to the post of Assistant Engineer (Civil) to the quota set apart for Sub Engineers (Civil) with ITI Certificate will be subject to the final outcome of the decision taken by the 1st respondent the Secretary (Administration), KSEB Limited.

In compliance of the above Common Judgment, hearing was conducted by the Secretary (Administration) on 12.08.2022 with the named representatives of the ITI Certificate holders and Diploma holders. In the meantime, the Chairman & Managing Director, K S E B Limited directed the Chief Engineer (HRM) to discuss the issue of continuance of the 'Seniority Protection Clause' with the representatives of Trade Unions and the Associations of Officers. As such the Chief Engineer (HRM) convened the meeting on 20/10/2022 and in the meeting the representatives of the recognized Trade Union demanded withdrawal of the said Board Order and before the withdrawal of the said Board Order necessary orders may be passed to change the promotion quota ratio from 3:2 to 4:1

The above matter has been placed before the Full Time Directors as per note read as 5th above and the Full Time Directors in the meeting held on 26.11.2022, resolved that the processing of the promotion to the cadre of Assistant Engineer (Civil) shall be carried out as per the conditions stipulated in the Board Order read as 2nd above and the provisions contained in the Service Rules in force. Based on the above, Board Order read as 6th above has been issued. Consequent to the issuance of the above Board Order, the KSEBWA (CITU) filed a representation dated 17.12.2022 stating that the suggestions stated by the Association in the meeting convened by the Chief Engineer (HRM) has not been considered in the said Board Order.

In view of the above, the matter was placed before the Full Time Directors as per note read as 9th above. Having considered the matter in detail the Full Time Directors in its meeting held on 17.02.2023 noted that this system is in force since 1969 and that there is no new circumstance warranting a change in the system and hence resolved that no change is required at present.

By Order of the Full Time Directors,

**Sd/-
LEKHA.G
COMPANY SECRETARY**

To

The Chief Engineer (HRM), KSEBL, Vydyuthi Bhavanam, Pattom,
Thiruvananthapuram.

Copy to:-

1. The Financial Adviser.
2. The Chief Internal Auditor.
3. The Company Secretary (In-charge).
4. Sri. Rajesh. S, Osserill Illam, Kummannoor P.O., Kottayam – 686572.
5. Smt. Mini. K.N., Kappliyil Veedu, Karinilam. (P.O), Mundakkayam, Kottayam.
6. The Legal Liaison Officer, Office of the Standing Counsel for KSEB Ltd, Power House Road, Kochi-18.
7. The TA to Chairman & Managing Director/Director (REES, SOURA, NILAAVU, Sports & Welfare)/Director (Generation-Civil)/ Director (Generation-Electrical & HRM)/Director (Distribution, SCM & IT)/ Director (Transmission, System Operation, Planning & Safety).
8. The PA to Director (Finance).
9. The Senior CA to Secretary (Administration).
10. The Deputy Secretary (Administration).
11. Stock File.

Forwarded / By Order


Senior Superintendent