



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

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

CIN :U40100KL2011SGC027424

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Abstract

Compliance of the common Judgment dated 03.06.2022 of the Hon'ble High Court of Kerala in WP(C) No.11449/2021 filed by Sri. Rajesh. S. and others and WP(C) No.21293/2020 filed by Smt. Mini. KN .Sub Engineer (Civil) and others – Sanctioned – Orders issued.

CORPORATE OFFICE (LAW)

B.O. (FTD) No.938/2022 (LAS.I/4551/2022)

Dated, Thiruvananthapuram, 03.12.2022

- 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, Tvpm, 16.09.2014 of the Secretary (Administration).
 5. Note No.LAS.I/4551/2021 dated 14.11.2022 of the Deputy Secretary (Admn.) (Agenda No.53/11/2022).

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 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 the Board to take a decision on the question whether the 'Seniority Protection Clause' is to be continued or not, after advertng to the common Judgment and conclusions in Direct Recruit Clause II Engg. Officers' Assn. V. State of Maharashtra, (1990 2 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 eight Trade Unions participated. The Trade Unions opined that the Seniority Protection Clause was introduced to overcome the seniority issues on promotion; the same is to be continued and there is no need for reviewing the same. It was suggested that a rational review on the ratio for promotion can be thought by the Board to overcome the existing scenario. All the Associations of the Officers were also unanimous in their strident support of preserving the seniority protection clause.

The above matter has been placed before the Full Time Directors as per note read as 5th above along with the opinions of Chief Engineer (HRM), Trade Unions & Associations of Officers and the Legal Adviser & Disciplinary Enquiry Officer. Having considered the matter in detail the Full Time Directors in its 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 and the provisions contained in the Service Rules in force.

By Order of the Full Time Directors,

Sd/-
LEKHA.G
COMPANY SECRETARY

To

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

(P.T.O)

Copy to:-

1. The Financial Adviser.
2. The Chief Internal Auditor.
3. The Company Secretary (In-charge).
4. Sri. Rajesh. S, Osseerill 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


Assistant Law Officer

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