



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

CIN:U40100KL2011SGC027424

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ABSTRACT

Mercy petition submitted by Smt. Nishi. M.G, W/o Sri. Satheesan. K.G, Sub Engineer (Electrical.), Electrical Section, Vannapuram – 80% disablement sustained due to dementia – protection under section 20 of Persons with Disabilities (Equal opportunities, Protection of rights and full participation) Act 2016 – Sanctioned – Orders issued.

CORPORATE OFFICE (PERSONNEL)

BO (FTD) No. 595/ 2020 (PS I /2942/2019) Dated, Thiruvananthapuram 25.09.2020

- Read :-
- 1) Request received from Smt. Nishi. M.G, W/o Sri. Satheesan. K.G dated 18.09.2019.
 - 2) Standing disability assessment board certificate of Government Medical College Kottayam issued dated 24.08.2019.
 - 3) Letter No.EB1/Estt.G1/SKG/2019-20/496 dated 19.09.2019 of the Executive Engineer, Electrical Division, Thodupuzha.
 - 4) Legal Opinion No.LAS.III/LA & DEO/R/146/2019/62 dated 17.03.202 of LA & DEO
 - 5) No. PS1/2942/2019/901 dated 07.08.2020 of Secretary (Administration).
 - 6) Directions of the Chairman & Managing Director of KSEB Ltd dated 13.08.2020.
 - 7) Note No. PS1/2942/2019 dated 07.09.2020 of Chief Personnel Officer submitted to the Chairman & Managing Director.
 - 8) Note No. PS1/2942/2019 dated 11.09.2020 of the Chief Personnel Officer to the Full Time Directors (Agenda 18/9/20).

ORDER

Smt. Nishi. M.G, W/o Sri. Satheesan. K.G, Sub Engineer (Ele.), Electrical Section, Vannapuram submitted a mercy petition before the Board read as 1st above requesting supernumerary posting invoking protection under section 20 of Persons with Disabilities Act 2016. The Standing Disability Assessment Board Certificate issued from the Government Medical College – Kottayam read 2nd above certifies that Sri. Satheesan. K.G is permanently handicapped by severe Behavioural variant of fronto temporal dementia. According to the medical Board his disability is 80%, the later stage of dementia is one of the near total dependence and inactivity especially one having an increasing need for assisted selfcare. The Executive Engineer, Electrical Division, Thodupuzha in his letter read 3rd above communicates that Sri. Satheesan. K.G is not in a condition to carryout the duties liable to be carried out by a

Due to the disability sustained to the extent of 80%, Sri. Satheesan. K.G is eligible for protection invoking section 20 of PWD Act 2016. The Preamble of this Act clearly says that it aims to uphold the dignity of every person in the society and prevent any kind of discrimination. It is further specified that the victim shall not be denied his livelihood on account of his disability. Therefore every government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to the employees with disability. As per section 20 of PWD Act, 2016, no government establishment shall discriminate against any person with disability in any matter relating to employment. Provided further that if it is not possible to adjust the employer against any post he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation whichever is earlier.

An expert opinion in this regard has been sought from the office of the Legal Advisor and Disciplinary Enquiry Officer regarding the eligibility of protection for victims with severe disability. Only victims having 100% permanent disability are now being protected with pay and allowances at their residence. The Legal Opinion received as 4th above, has instructed to obtain clarification from State Social Justice Department whether 'Dementia' is a disability which comes within the purview of the said Act. Accordingly a letter read as 5th above to the government seeking direction in this regard has been sent and the reply is awaited.

The Chapter 7 of the Persons with Disabilities Act 2016 highlights the rights of Persons with Bench Mark Disabilities who have high support needs. A person with Benchmark disability who needs High support can apply to an authority requesting to provide High support. Any other person or Organisation may also apply on behalf of the persons who needs High support. Eventhough the term 'Dementia' is not seen appended in the list of illness, the Act specifies that "some of the conditions such as chronic neurological condition are open to interpretation". The Act does not specifically define which conditions are covered. 'Chronic neurological condition' is seen appended along with 19 other illnesses in the included list and 'Dementia' may be considered as a common neurological disorder.

A detailed note was submitted as per note read 7 above before the Chairman and Managing Director. After perusal of the note it was directed to place the matter before Full Time Directors and that an undertaking has to be obtained from the incumbent that in case the social justice department denies the request, then the benefit granted would be regularised as if there was no creation of a supernumerary post.

The matter was placed before the Full Time Directors meeting as per note read 8 above Having considered the matter in detail, the Full Time Director, in its meeting held on

Electrical Section, Vannapuram as Sub Engineer on supernumerary post invoking section 20 of the Persons with Disabilities (Equal appointment protection of rights and full participation) Act – 2016 applicable to the disabled employees of KSEB Ltd as an adhoc measure till the receipt of the clarification from Social Justice Department considering the inability of the victim to perform the functions of Sub Engineer, due to the disability sustained to the extent of 80% by Dementia after obtaining an undertaking from the incumbent that in case the social justice department denies the request, then the benefit granted would be regularised as if there was no creation of supernumerary post.

Orders are issued accordingly.

By Order of the Full Time Directors

Sd/-

Lekha. G

Company Secretary in-charge

To

The Chief Engineer (HRM).

Copy to:

The Executive Engineer, Electrical Division, Thodupuzha.

(He is directed to obtain an undertaing from Sri. Satheesan. K.G, subject to the condition that in case the Social Justice Department denies the request, then the benefit granted would be regularised as if there was no creation of supernumerary post)

Sri. Satheesan. K.G, Sub Engineer (Ele.), Electrical Section, Vennapuram.

All Chief Engineers/All Deputy Chief Engineers/All Executive Engineers/

All Account Rendering Units

The TA to Chairman & Managing Director / The PA to Director (Finance)

The TA to Director (D, IT & HRM)/Director (Trans. & SO)

The TA to Director (CP & Safety)/

The TA to Director {Generation (Electrical) & SCM }/

The TA to Director {(Generation (Civil))}/

The Financial Adviser/Chief Internal Auditor/Legal Adviser & Disciplinary Enquiry Officer

The Chief Vigilance Officer/The Company Secretary (l/c)/Regional Audit Officers

The Chief Public Relations Officer/CA to Secretary (Administration)/

Deputy Secretary (Admn.) /The FC Superintendent/Record Section/Library/Stock File.

Forwarded /By Order



Senior Superintendent