



KERALA STATE ELECTRICITY BOARD LTD.

(Incorporated under the Companies Act, 1956)
Registered Office: Vidyuthi Bhavanam, Pattom, Thiruvananthapuram -04 Kerala
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Abstract

Disciplinary action initiated against Sri.Vijay Surya, former Assistant Executive Engineer, O/o the Chief Engineer, Transmission (South), Vidyuthi Bhavanam, Thiruvananthapuram
Review Petition Disposed of - Orders issued

B.O(DB) No. 508/2020(VIG/B4/4478)/2018 | 2937 Date: 05.08.2020.

Read:-

1. Memo of Charges No.CETS/EE-II/Genl/2017-18/175 issued on 28.02.2018 by the Chief Engineer, Transmission(South), Thiruvananthapuram.
2. Letter No.CE(TS) EE2/AEEX/GN/2018-19/205 dated 06.04.2018 of the Chief Engineer Transmission (South), Thiruvananthapuram.
3. Memo of Charges No.EBVS.6/3/2018 issued on 05.06.2018 by the Chief Engineer (HRM)
4. Show Cause Notice No.EBVS.6/3/2018/284 issued on 17.04.2019 by the Chief Engineer (HRM).
5. Proceedings No.EBVS.6/3/2018/783 dated 31.10.2019 of the Chief Engineer (HRM).
6. Remarks of the Chief Engineer (HRM) No.EBVS.6/3/2018 dated 24.01.2020.
7. Proceedings No.Vig/B4/4478/2018/572 dated 10.03.2020 of the Chairman & Managing Director.
8. Review petition dated 08.05.2020 submitted by Sri.Vijay Surya former Assistant Executive Engineer before the Board of Directors KSEBL.
9. Note No.Vig/B4/4478/2018 dated 02.07.2020 by the Chairman & Managing Director, KSEBL
10. Proceedings of the 54th meeting of the Board of Directors held on 17.07.2020 vide Agenda item No.16-07/2020.

ORDER

Sri.Vijay Surya was departmentally proceeded by the Chief Engineer Transmission (South) by issuing Memo of Charges read as 1st above for the negligence occurred on his part in taking initiative in completing the work entrusted on him which are time bound and sensitive in nature while he was working as Assistant Executive Engineer, O/o the Chief Engineer Transmission South, Thiruvananthapuram. As and

when the Memo of Charges was issued to him, he became absent and deserted the office without prior sanction of his superior officer. Subsequently he applied for commuted leave on medical ground from 05.03.2018 to 03.04.2018 in the strength of Medical Certificate issued by Dr.V.R.Remya, M.S Register No.7564 Assistant Professor of Government Ayurveda Medical College, Thiruvananthapuram. Since there arose a doubt in the genuineness of the medical certificate produced by him along with leave application, the District Medical Officer (ISM), O/o the Director, Indian System of Medicines, Thiruvananthapuram was requested to examine and report the genuineness of the Medical certificate by the Chief Engineer Transmission(South). The Medical Officer (ISM) reported that OP No. was not seen recorded in the medical certificate submitted by Sri.Vijay Surya and he has produced the OP tickets only for the period of treatment from 23.03.2018 onwards. As the reply from the District Medical Officer (ISM), O/o the Director, Indian System of Medicines, Thiruvananthapuram was not seen convincing, the leave application with the support of medical certificate was not recommended by the Chief Engineer Transmission (South).

As his unauthorized absence and arrogant attitude severely affected the smooth functioning of the Office, the Chief Engineer Transmission (South) had reported to the Chief Engineer (HRM) that Sri.Vijaya Surya was not performing his duties entrusted on him and the works assigned to him had been completed by distributing to the other staff and higher officers and also deputing Assistant Engineers from Substations and other offices. Moreover he was absent from the duty after submitting a leave application in the strength of a medical certificate issued by Dr.Remya.M.S and the medical certificate produced by him with regard to illness was not genuine. Hence the Chief Engineer, Transmission (South) as per letter read as 2nd above had recommended to the Chief Engineer (HRM) to initiate disciplinary action against Sri.Vijay Surya for the aforesaid lapses, negligence & unauthorized absence. Subsequently, the Chief Engineer (HRM), after perusing the entire file had decided to initiate disciplinary action afresh and according a Memo of charges read as 3rd above was issued to him.

Sri.Vijay Surya submitted his reply by denying all the charges levelled against him. The Chief Engineer (HRM) had thoroughly examined the reply and observed that Sri.Vijay Surya had miserably failed to carry out the work assigned to him in a time bound manner. As a result, his superior officers were forced to complete the work by distributing among other staff and higher officers and also deputing Assistant Engineers

from Substations in order to complete the work within the stipulated time. As such, grave insubordination and dereliction of duty occurred on the part of Sri.Vijay Surya which requires stringent action against him. Accordingly a Show Cause Notice read as 4th above issued to him by proposing a punishment of barring his next two increments for a period of two years without cumulative effect. The Chief Engineer (HRM) had examined the reply on the Show Cause Notice and heard him in person and finalized disciplinary proceedings as per proceedings read as 5th above by awarding a punishment of barring one increment without cumulative effect for one year and to regularize the period of unauthorized absence from 05.03.2018 to 03.06.2018 as commuted leave on medical ground according to the availability of Half Pay leave and the balance period as Earned Leave on Medical ground.

Aggrieved by the above orders, Sri.Vijay Surya filed an Appeal Petition before the Chairman and Managing Director. The Chairman & Managing Director has meticulously examined the contention raised by Sri.Vijay Surya in the appeal petition along with the connected file and remarks of the Chief Engineer (HRM) read as 6th above. It is observed that being a responsible officer entrusted by the Board Sri.Vijay Surya failed to discharge his duties with faith and loyalty which affected the smooth function of the office and held up the line construction work. Based on the views and observations the appeal petition of Sri.Vijay Surya was disposed by the Chairman & Managing Director as per proceedings read as 7th above by confirming the orders of the Chief Engineer (HRM).

Against the above orders of the Chairman & Managing Director, Sri.Vijay Surya filed a Review Petition read as 8th above before the Board of Directors KSEB Ltd. In the Review Petition he averred that while he was working as Assistant Executive Engineer in the Office of the Chief Engineer, Transmission (South) he had applied for commuted Leave on Medical ground from 05.03.2018 to 03.04.2018 along with Medical Certificate from Assistant Professor Government Ayurveda Medical College Thiruvananthapuram. Even though the District Medical Officer ISM in his medical report has confirmed that Sri.Vijay Surya had been suffering from severe back pain and he was directed to rejoin duty by discarding the medical report with flimsy reasons that OP number was not mentioned in the medical certificate. The OP number is to be furnished in the medical certificate by the medical attendant itself. The said omission may not be attributed as a reason for denying his leave application. One major allegation was that the medical

certificates are not genuine, which was later revoked and the medical leave was sanctioned according to that medical certificate.

He further contended that while a disciplinary action was pending against him before the Chief Engineer Transmission (South) he had been issued a Memo of Charges by the Chief Engineer (HRM) with the same set of charges and the same was ended by inflicting a punishment of increment barring. The aforesaid action of the Chief Engineer (HRM) is against the relevant provision in the KSEB CCA Regulations 1969. The two disciplinary actions were simultaneously continued for same set of allegations is highly irregular and untenable.

He further argued that he has performed his duties so diligently and not committed any misconduct or dereliction of duty. He never disobeyed the orders of his superior officers. His further contention is that Chief Engineer (HRM) while finalizing the disciplinary proceedings against him regularized the period of unauthorized absence from 05.03.2018 to 03.04.2018 as commuted leave on medical ground as per the availability of Half Pay Leave and the balance period as Earned Leave on medical ground. The above action of the Chief Engineer (HRM) is a clear violation of Rule 65 of KSR where in it is clearly stipulated that no leave sanctioning authority can have the right to alter the nature of leave applied by a subordinate officer. As such the action of the Chief Engineer (HRM) in this regard is arbitrary null and void. Hence he requested to set aside the order of the Chief Engineer (HRM) and to exempt from the charges levelled against him.

The Chairman & Managing Director while perusing the above arguments made by Sri.Vijay Surya along with connected files observed that Sri.Vijay Surya was departmentally proceeded while he was working as Assistant Executive Engineer at O/o the Chief Engineer, Transmission (South) for the charges of inordinate delay occurred on his part in processing important files of major line construction works, unauthorized absence and his poor performance in the works entrusted on him. As the reply submitted by him was found unsatisfactory he was imposed a minor punishment of barring one increment without cumulative effect. The period of unauthorized absence was regularized as commuted leave on medical ground on the availability of Half Pay Leave and the balance period as Earned Leave based on the enquiry over phone to Electrical Circle Kalpetta that had not enough Commuted Leave on his account.

In the Review Petition he strongly averred that when a disciplinary action was pending before the Chief Engineer Transmission (South) another departmental action was initiated against him by the Chief Engineer (HRM) for the same set of charges which is against the principle of natural Justice and relevant provision of CCA Regulations. But it is to be noted that the Chief Engineer (HRM) had initiated the disciplinary action against the review petitioner afresh as per the request of the Chief Engineer Transmission (South). As Chief Engineer (HRM) being disciplinary authority of Assistant Executive Engineer and the subject disciplinary action is only the continuation of the disciplinary action already initiated by the Chief Engineer Transmission (South) and the same is not a separate one. Hence the argument made by him in this regard is only flimsy in nature and has no legal backing. Subsequent argument of the appellant is that his period of absence from 05.03.2018 to 03.06.2018 under medical ground was sanctioned by the Chief Engineer (HRM) with different kind of leave which is against the Rule 65 of KSR. The above arguments made by the appellant is without knowing the powers conferred to a disciplinary authority. Being the disciplinary authority Chief Engineer (HRM) has the power to regularize the period of unauthorized absence as per the availability of the outstanding leave available on his account. Hence there is no irregularity occurred on the part of the Chief Engineer (HRM) in this regard. More over the Review Petition is the same version of the Appeal Petition already considered by the Chairman & Managing Director and no new arguments or averments is seen adduced by Sri.Vijay Surya for worthwhile consideration.

However, the Chairman & Managing Director after thoroughly examining the entire history of the case along with the arguments raised by Sri.Vijay Surya in the Review Petition in detail, ordered to place the matter before the Board of Directors for taking decision in this regard. Accordingly, a detailed note read as 9th above by highlighting the entire history of the case was placed before the Board of Directors of KSEBL .

Having examined the review petition filed by Sri.Vijay Surya in detail by the Board of Directors in its 54th Meeting held on 17.07.2020 vide Agenda item No.16-07/2020 resolved not to review the punishment of barring one increment without cumulative effect for one year awarded to Sri.Vijay Surya, former Assistant Executive Engineer, O/o the Chief Engineer, Transmission (South), Vidyuthi Bhavanam, Thiruvananthapuram by the Chairman & Managing Director as per order read as 7th above.

The Review Petition of Sri.Vijay Surya read as 8th above is disposed of accordingly.

By Order of the Director Board.

Sd/-

G.LEKHA

COMPANY SECRETARY(I/C)

To

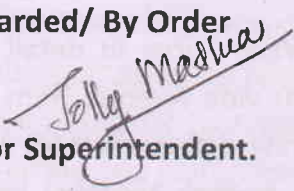
Sri.Vijay Surya,
[Emp.Code:1047939]
Assistant Executive Engineer, O/o the Chief Engineer (IT,CR&CAPS)
Vydyuthi Bhavanam, Thiruvananthapuram
[Through the Deputy Chief Engineer (HRM-II)].

The Board order in triplicate is forwarded herewith. The original may be served on the addressee and duplicate returned to this office with dated acknowledgement of the party.

Copy to:-

1. The Chief Engineer (HRM), KSEBL.
2. The Chief Engineer, Transmission South, VB, KSEBL.
3. The Dy. Chief Engineer, Electrical Circle, Kalpetta
4. TA to the Chairman & Managing Director, KSEBL.
5. TA to the Director(D,IT&HRM), KSEBL
6. TA to the Director (Plg&Safety) KSEBL
7. TA to the Director(T&SO), KSEBL
8. TA to the Director (Generation-Civil) KSEBL
9. TA to the Director (Generation-Ele.&SCM), KSEBL
10. TA to the Director (Finance), KSEBL
11. Sr.CA to the Secretary (Administration), KSEBL

Forwarded/ By Order


Senior Superintendent.