



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.V.N.Prasad, Executive Engineer, Electrical Division, Chengannur (formerly Assistant Executive Engineer, Electrical Sub Division, Kollakadavu) – appeal petition -Disposed off-orders issued.

CORPORATE OFFICE (VIGILANCE WING)

BO (DB) No:403 /2020 (VIG/B2/2827(A)/2016)TVM

11725

Dtd: 15.06. 2020

Read:

1. Letter No. EB1/DA. RV Rubber/15-16/685 dated 07.01.2016 of the Deputy Chief Engineer, Electrical Circle, Harippad addressed to the Chief Engineer (HRM)
2. Memo of Charges No: VIG/BII/2827(A)/2016/1124 dated: 30.05.2016 of the Chairman & Managing Director KSEBL issued to Sri.V.N.Prasad.
3. Departmental Enquiry Report No: CE (DC)/GB1/2018-19/796 Dated.31.05.2018 of the Chief Engineer (Distribution central).
4. Show Cause Notice No: VIG/B2/2827(A)/2016/675 Dated. 9.04.2019 of the Chairman & Managing Director, KSEBL issued to Sri.V.N.Prasad.
5. Proceedings No: VIG/B2/2827(A)/2016/2469 Dated, TVPM: 24.10.2019 of the Chairman & Managing Director, KSEBL.
6. Appeal Petition dated: 10.01.2020 submitted by Sri.V.N.Prasad, Executive Engineer before the Director Board of KSEBL
7. Note No: VIG/B2/2827(A)/2016 dated 30.04.2020 of the Chairman & Managing Director, KSEBL.
8. Proceedings of the 53rd Director Board Meeting held on 25.05.2020 vide Agenda Item No12-05/2020

ORDER

The Deputy Chief Engineer, Electrical Circle, Harippad had submitted a report read as 1st above through the Chief Engineer (HRM) by informing that a dismantled service connection having Con.No.11159 of Electrical Section, Kollakadavu was re-effected without observing the formalities prevailing in KSEB Ltd. As a result the service connection had existed as unauthorized from 8/12 to 13.08.2014 without billing. A preliminary enquiry was conducted

by the Executive Engineer, Electrical Division Chengannur in this regard. During enquiry, it was revealed that the service connection with Con.no11159 was re-effected by using the materials of KSEBL. But the staff & officers who held the office during the relevant period miserably failed to make necessary changes in the Meter Reading Register and Oruma Software for billing purpose. Hence grave negligence, lapses and dereliction of duty have been occurred on the part of the Assistant Engineer & Revenue Sub Engineer of Electrical Section; Kollakkadavu and the Assistant Executive Engineer of Electrical Sub Division; Kollakkadavu in the subject case and due to the above lapse KSEBL has sustained huge revenue loss Sri.V.N.Prasad was the Assistant Executive Engineer at Electrical Sub Division, Kollakadavu during the time of re-effecting the dismantled service connection of Con.No.11159 unauthorizedly by using departmental materials from the Section. Based on the above findings of the preliminary enquiry report, Sri.V.N.Prasad and three others were departmentally proceeded by issuing Memo of Charges read as 2nd above.

Since the reply submitted by Sri.V.N.Prasad on the Memo of Charges was not found satisfactory, a formal departmental enquiry was ordered by the Chairman & Managing Director by entrusting the Chief Engineer (DC) as Enquiry Officer. The Enquiry Officer had conducted a detailed enquiry and submitted the report read as 3rd above with the findings that the charges framed against Sri.V.N.Prasad were proved and established with substantial evidence. The Chairman & Managing Director had examined the enquiry report along with the remarks of the Director (D, IT & HRM) and observed that clear lapses and negligence happened on the part of Sri.V.N.Prasad and others which caused huge pecuniary loss to the Board. Hence the findings on the enquiry report were accepted by the Chairman & Managing Director in toto, and accordingly, a Show Cause Notice read as 4th above was issued to Sri.V.N.Prasad by proposing a punishment of barring his two annual increments with cumulative effect.

In response to the above Sri.V.N.Prasad submitted his statement of defense by contenting that it is not mandatory that Assistant Executive Engineer should verify the final reading of dismantled service connection by inspection in the case of reconnection and the charges framed against him are fabricated. The disciplinary action was initiated against him to ease the charges against the Assistant Engineer and to side line him from being a strong prosecution witness against the Assistant Engineer and claimed that he was well appreciated by the Board in connection with 'MISSION RECONNECT' works carried out by him. Hence he

requested to exempt him from the proposed punishment and also requested for a personal hearing with the Chairman & Managing Director to explain his part. The Chairman & Managing Director after perusing the reply of show cause notice submitted by Sri.V.N.Prasad and after hearing him in person observed that there is some merits on the averments raised by him in the statement of defense which deserves some relaxation in the proposed punishment. Accordingly disciplinary action against Sri.V.N.Prasad was finalised as per order read as 5th above by reducing the punishment to the extent of barring his one annual increment without cumulative effect for one year on considering his arguments and his meritorious service in connection with 'MISSION RECONNECT' works.

Against the above orders of the Chairman & Managing Director, Sri.V.N.Prasad filed an appeal petition read as 6th above before the Director Board of KSEBL by contenting that in the memo of charges it was alleged that he had recommended the application for re-effecting the dismantled industrial connection bearing Con.No:11159 without ascertaining the facts whether dismantled meter was taken back and final bill was issued to the consumer. In this regard he argued that since there was no allegation against the acts of the Assistant Engineer and the consumer prima facie, the report of the Assistant Engineer on recommending the reconnection of the dismantled service was taken as bonafide as done by the Deputy Chief Engineer in the case of HT Connection. The word "ascertain" does not expect a site inspection but to realize and recognize required facts and data. The format accompanying the recommendation for reconnection, furnished the certification of the Assistant Engineer who is the responsible first hand officer in such cases, does not contain the requisition of inspection and details of the Assistant Executive Engineer. It made clear that the inspection of Assistant Executive Engineer is not mandatory but only discretionary. He further argued that inspection of the agreement authority is not mandated by any rule for confirming the reading and billing. The Report of the first hand officer is accepted as general practice and since there was no allegation or doubt regarding, dismantling, entering meter reading in the system, billing, payment and feasibility of reconnection, no site inspection was made by him as that has been practiced in the distribution wing. Hence he has averred that the findings of the Chairman & Managing Director that there was lapse from his part is without the support of any rule, is baseless. He has further added that in the first charge in the memo of charges does not contain the words "site inspection" but only the word "ascertain" and there is no modification of the said charge under intimation. Since

charge cannot be changed or modified by the disciplinary authority at the stage of final order the same can not be sustainable for the reasons stated above. He again pointed out that in the final order of the Chairman & Managing Director dated.24.10.2019 regarding the second charge, being the agreement authority it is his prime duty to verify whether all procedure were observed by the Section before effecting the service connection by conducting a site inspection. In this regard he argued that on 28.11.2013, Assistant Engineer, Electrical Section, Kollakadavu had forwarded the application of the consumer No.11159 for re-effecting the dismantled connection, with his remarks finding differences in the name of registered consumer and address, he had sought clarification on the above from the consumer and the consumer replied that he could not resume the electrical connection at that time as routine maintenance were in progress. Again the consumer informed that he had completed all the works and requested for reconnection. When the consumer made such a request he instructed the consumer to submit completion report after remitting the balance dues so as to comply the procedure to re-effect the dismantled service connection at the earliest and in this regard. But the consumer had not submitted the details sought by him. Hence there was no question of inspection at the premises of the consumer at that time. He again argued that inspection of the premises arouse only when all the technical formalities are completed for reconnection. Hence he argued that the findings and conclusions upon the charges framed against him as 1&2 are not tenable in the light of the above mentioned facts when it is critically analyzed. In the meantime the then Assistant Engineer of Electrical Section, Kollakadavu had unauthorizedly re-effected the service connection, which was known to the then Executive Engineer, Electrical Division, Chenganur. The above facts were clearly explained by him before the Chairman & Managing Director during the time of personal hearing. But the Chairman & Managing Director has not taken on account the argument raised by him while disposing the disciplinary proceedings. Hence he requested to exonerate him from the charges and punishment imposed upon him after appraising the above mentioned facts and averments.

The Chairman & Managing Director while meticulously examining the contentions raised by Sri.V.N.Prasad in the appeal petition along with connected file found that he made certain flimsy arguments regarding the charges framed in the memo of charges. The reply of memo of charges had been examined in detail by the Chairman & Managing Director and it was found that the argument and averments submitted by him prove his innocence is not at

all satisfactory and convincing. Hence in order to ascertain quantum of lapses, negligence and dereliction of duty occurred on his part a formal departmental enquiry was conducted with a Distribution Chief Engineer as the enquiry officer who was well aware about the procedure to be followed pertains to re-effecting a dismantled service connection and the duties and responsibilities vested on a Sub Division Assistant Executive Engineer in effecting such a service connection. But in the instant case the enquiry officer disclosed the enquiry with findings that all the major charges framed against him was proved and established with cogent evidence. Being the agreement authority of an industrial consumer having connected load of above 20 KW, Sri. V.N.Prasad miserably failed to discharge his duties entrusted on him with faith and integrity which in turn resulted revenue loss to the Board which could not be recouped yet due to the missing of dismantled meter from the Section. Hence he cannot evade from the responsibility entrusted on him as an Ast.Exe.Engineer. In the appeal petition he enumerated certain flimsy and weak arguments against the proved charges to justify the lapse occurred in his part and tried to shift the lapses occurred on his part to his subordinate officers without adducing any substantial evidences. It is an admitted fact that Sri.V.N.Prasad had recommended to re-effect the dismantled connection without conducting site inspection and ascertain the fact that whether all the formalities were completed by the consumer and reasons narrated by him for the above lapses is only premature & frivolous in nature and the same is not sustainable to any extend. One of the key arguments raised by the appellant is that the disciplinary authority modified the charges framed in the memo of charges in the final order without intimating him is totally false and devoid of merits. On close reading of first charge in the MOC with the final order it was ascertained that no alteration or modification was made in the first charge as averred by the appellant and by raising such a silly argument he tried to mislead the Board with a malafide intention to get the exemption from the punishment. As per the relevant provisions of Manual of Disciplinary Proceedings and Enquiry Proceedings the enquiry officer act as a semi judiciary officer (as if a judiciary officer) who conducted and concluded the enquiry with the findings that whether the charges framed against delinquent employee is proved or not proved by applying the principle of 'preponderance of probability'. Sri.V.N.Prasad was given sufficient time and opportunity to prove his innocence with the aid of documentary and oral evidence. But in the instant case since the charges framed against him was proved with cogent evidence by the enquiry officer after appreciating the documents produced by him, it is evident that the

document produced by him to prove his innocence are not valid and sufficient. As such Sri.V.N.Prasad miserably failed to establish his innocence before the enquiry officer. Moreover as per the relevant provisions of KSEB CCA Regulation 1969 the role of appellate authority is to examine whether any procedure lapses and denial of natural justice occurred on the part of disciplinary authority while disposing the disciplinary proceedings. But in the subject case disciplinary action was finalized after completing all the procedure formalities as envisaged in KSEB CCA Regulation. As the charges framed against him were proved both in preliminary enquiry and departmental enquiry, a show cause notice was issued to him by proposing a punishment of barring his two increments with cumulative effect. But later the disciplinary action was finalized by reducing the punishment to the extent of barring one increment without cumulative effect for one year on considering his meritorious service in connection with 'MISSION RECONNECT' works which itself established that maximum leniency was shown to him in the subject case even though the charges framed against him were proved in the departmental enquiry. In the appeal petition no new arguments or averments other than already examined by the Chairman & Managing Director were seen adduced by Sri.V.N.Prasad for a worthwhile consideration and review and the imposed punishment is not at all excessive on considering the gravity of offence committed by Sri.V.N. Prasad.

However, the Chairman & Managing Director after meticulously examining the entire history of the case along with arguments raised by Sri.V.N.Prasad in his appeal in detail has ordered to place the appeal petition filed by him before the Board of Directors of KSEBL for taking a decision in this regard. Accordingly, a detailed note read as 7th above by highlighting the entire history of the case was placed before the Board of Directors of KSEBL.

Having examined the appeal petition filed by Sri.V.N.Prasad in detail by the Board of Directors in its 53rd meeting held on 25.05.2020 vide Agenda.12-05/2020 resolved not to review the punishment of barring one increment without cumulative effect imposed upon Sri.V.N.Prasad, Executive Engineer by the Chairman & Managing Director as per order dated 24.10.2019 read as 5th above.

The appeal petition of Sri.V.N.Prasad read as 6th above is disposed off accordingly.

By Order of the Director Board,
Sd/-
G.LEKHA
COMPANY SECRETARY (I/C)

To

Sri.V.N.Prasad (Emp:Code - 1043399),
Executive Engineer,
Electrical Division
Chengannur.


(Through the Deputy Chief Engineer, Electrical Circle, Harippad)

The Board Order in triplicate is forwarded herewith. Original may be served on the addressee and a duplicate may be returned to this Office with dated acknowledgement of the party.

Copy to:

1. The Chief Engineer (HRM), KSEBL.
2. The Chief Engineer, Distribution (Central), KSEBL.
3. The Executive Engineer, Ele.Division, Chengannur.
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 (Trans & SO), KSEBL.
8. TA to the Director (Generation- Civil), KSEB Ltd.
9. TA to the Director (Generation- Ele. & SCM), KSEBL.
10. TA to the Director (Finance), KSEBL.
11. Sr.CA to the Secretary (Administration), KSEBL.
12. Fair Copy Superintendent /Library/Stock File.

Forwarded /By Order,


Senior Superintendent