



## KERALA STATE ELECTRICITY BOARD LTD.

(Incorporated under the Companies Act, 1956)

Registered Office: Vidyuthi Bhavanam, Pattom, Thiruvananthapuram -04 Kerala

Website : [www.kseb.in](http://www.kseb.in). CIN : U40100KL2011SGC027424

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### Abstract

Disciplinary action initiated against Sri.Sreekumar.R, former Overseer, 66kV Substation, LA Complex Thiruvananthapuram-Appeal Petition Disposed of - Orders issued -

**BO(DB) No 402 /2020(VIG/B4/6081/2011)/ 1722**

**Date : 15.06.2020**

Read:-

1. Letter No.DB/TDT/General/11-12/1092 dated 26.09.2011 of the Executive Engineer Transmission Division Paruthippara addressed to the Deputy Chief Engineer, Transmission Circle, Thiruvananthapuram.
2. Memo of Charges No.EB3/TCT/Disc.Action/2011/04/1170 was issued on 01.10.2011 by the Deputy Chief Engineer, Transmission Circle, Thiruvananthapuram
3. Order No.EB3/TCT/Disc.Act/2011/04/1304 dated 11.11.2011 of the Deputy Chief Engineer Transmission Circle, Thiruvananthapuram.
4. Show Cause Notice No.EB3/4185/2014/TCT/Disc.Act/1743 dated 14.08.2014 of the Deputy Chief Engineer, Transmission Circle, Thiruvananthapuram
5. Proceedings No. EB3/4085/2014/TCT/Disc.Act dated 19.03.2015 of the Deputy Chief Engineer, Transmission Circle, Thiruvananthapuram.
6. Proceedings No.EBVS 6/18/2015/143 dated 03.03.2016 of the Chief Engineer(HRM)
7. Proceedings No.Vig/B4/6081/2011/1651 dated 04.07.2016 by the Chairman & Managing Director.
8. Judgment dated 07.03.2019 in WP(C)No.30369/2016 of the Hon'ble High Court of Kerala.
9. Personal hearing conducted on 06.06.2019 by the Chairman& Managing Director.
10. Proceedings No. Vig/B4/608/2011/1734 dated 23.07.2019 of the Chairman & Managing Director
11. Appeal petition dated 25.02.2020 submitted by Sri.Sreekumar.R former overseer before the Director Board of KSEBL
12. Note No.Vig/B4/6081/2011 dated 25.04.2020 by the Chairman & Managing Director, KSEBL.
13. Proceedings of the 53<sup>rd</sup> meeting of the Board of Directors held on 25.05.2020 vide Agenda Item No.11-05/2020.

### ORDER

The Executive Engineer, Transmission Division Paruthippara had submitted a report read as 1<sup>st</sup> above to the Deputy Chief Engineer, Transmission Circle

Thiruvananthapuram by informing that Sri.Sreekumar.R, Overseer was departmentally proceeded by suspending him from service while he was working as Overseer at 66 kV Sub Station, LA Complex for the charges that he misbehaved with a lady operator of the same station and left the station without handing over the charge to anybody else or prior approval of the superior officer after the incident. Subsequently Memo of Charge read as 2<sup>nd</sup> above was issued to him by the Deputy Chief Engineer, Transmission Circle, Vidyuthi Bhavanam, Thiruvananthapuram. As the reply submitted by him was not found satisfactory, a formal departmental enquiry as per read 3<sup>rd</sup> above was ordered by the Disciplinary Authority. Accordingly, the Enquiry Officer had conducted a detailed enquiry and submitted the report with findings that the charge framed against Sri.Sreekumar.R, could not be proved due to the lack of evidence and due to the non co-operation of aggrieved party with the enquiry.

The Deputy Chief Engineer, Transmission Circle, Thiruvananthapuram after examining the enquiry report in detail along with the related records of the case and on correlating with the charges levelled against the petitioner disagreed with the findings of the Enquiry Officer and concluded that circumstantial evidence could prove the charges against the petitioner and hence deserve punishment. Accordingly, a Show Cause Notice read as 4<sup>th</sup> above was issued to the petitioner proposing barring of his two annual increments, with cumulative effect. As the reply submitted by him was not satisfactory, the disciplinary action initiated against him was finalized as per proceedings read as 5<sup>th</sup> above by inflicting the proposed punishment in the Show Cause Notice by the Disciplinary Authority.

Aggrieved by the above orders, Sri.Sreekumar.R, filed an Appeal Petition before the Chief Engineer (HRM) which was also disposed by the Chief Engineer (HRM) read as 6<sup>th</sup> above by reducing the punishment to the extent of barring his one increment with cumulative effect instead of two increments with cumulative effect.

Against the above order of the Chief Engineer (HRM), Sri.Sreekumar.R filed a Review Petition before the Chairman & Managing Director. The Chairman & Managing Director after meticulously examining the Review Petition along with connected files and documents came to the conclusion that there is no genuine ground warranting intervention in the matter especially as he left his duty place immediately after the alleged event without permission. Hence it was decided to reject the Review Petition as per proceedings read as 7<sup>th</sup> above by upholding the order of the Chief Engineer (HRM).

Being unsatisfied with the above orders Sri.Sreekumar.R, filed a Writ Petition before the Hon'ble High Court of Kerala vide WP(C) No.30369/16 with a prayer to set-

aside the entire proceeding initiated against him by the KSEB Ltd. on the basis of departmental enquiry report wherein it was clearly established that the charges framed against him could not be proved due to the lack of evidence. The Hon'ble High Court of Kerala while considering the Writ Petition filed by Sri.Sreekumar.R observed that, the charges framed against the Writ Petitioner could not be proved with evidence in the departmental enquiry. But the disciplinary authority inflicted the punishment on the basis of circumstantial evidence which was not seen narrated in the Show Cause Notice issued to him.

Based on the above views and observation the Hon'ble High Court of Kerala disposed the WP (C) No.30369/2016 vide its judgment read as 8<sup>th</sup> above by quashing the orders of the Chairman & Managing Director, KSEBLtd dated 04.07.2016 and also ordered to consider his Appeal Petition by the Chairman & Managing Director and to pass orders after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of the copy of the judgment. Accordingly a personal hearing read as 9<sup>th</sup> above was afforded to the petitioner above on 06.06.2019 by the Chairman & Managing Director and the appeal was finalized as per proceedings read as 10<sup>th</sup> above by awarding a punishment of barring one increment with cumulative effect.

Against the above order of the Chairman & Managing Director, Sri.Sreekumar.R filed an appeal petition read as 11<sup>th</sup> above before the Board of Directors. In the Appeal Petition, he averred that as per the Judgment in WP (C) No.30369/2016, the arguments made by him before the Chairman & Managing Director was not seen considered while finalizing the disciplinary proceedings against him. He also averred that he was absent from the station only for half an hour and that was for buying some medicines which he takes daily and it was after informing the lady staff working with him. Another argument is that he never misbehaved towards the lady operator. He took a stubborn stand, when she committed lapses in her duty, because of this grudge, she complained against him to the Assistant Executive Engineer over phone.

The petitioner also pointed out that in the departmental enquiry, the charges framed against him could not be proved due to the lack of evidence and due to the non co-operation of the aggrieved party with the enquiry. In spite of his proven innocence, he was punished by barring his increment based on the circumstantial evidence by the Deputy Chief Engineer, Transmission Circle, Thiruvananthapuram. The petitioner says that it is only a fabricated case due to personal enmity of the lady staff and it is not justifiable to punish him without any solid proof. Another contention raised by the petitioner is that a complaint was filed before the Internal Complaints Committee in

the name of the father of the lady operator. The Internal Complaints Committee disposed the complaint as the complainant did not attend the enquiry.

The Chairman & Managing Director meticulously examined the contentions raised by Sri.Sreekumar. R in the appeal petition along with connected file and it is found that though there is no eyewitness in this case, circumstantial evidence revealed that the petitioner misbehaved with the lady operator. It was also observed that he left the station after the incident, without prior approval of the superior officer. Hence dereliction of duty is proved beyond doubt. Another argument raised by the petitioner is that a complaint was filed before the Internal Complaints Committee in the name of the father of the lady operator. The Internal Complaints Committee disposed the complaint as the complainant did not attend the enquiry. The enquiry by the Internal Complaints Committee and enquiry in the disciplinary proceedings are entirely different. The disciplinary authority came to the conclusion regarding the guilt of the petitioner upon relying the evidence in disciplinary proceedings. Hence his argument is not worth for consideration. The punishment of barring one increment with cumulative effect was imposed upon him after examining all the aspects of the case in detail and the same is not excessive on considering the gravity of the offence committed by him. The subject case of Sri.Sreekumar.R was already considered by the Chairman & Managing Director. In the appeal petition there is no new additional documentary evidence or contentions other than what have already been considered by the disciplinary authority.

However, the Chairman & Managing Director after meticulously examining the entire history of the case along with the arguments raised by Sri.Sreekumar.R in the appeal petition in detail, ordered to place the matter before the Board of Directors of KSEBLtd for taking a decision in this regard. Accordingly, a detailed note read as 12<sup>th</sup> above by highlighting the entire history of the case was placed before the Board of Directors of KSEB Ltd.

Having examined the appeal petition filed by Sri.Sreekumar.R in detail by the Board of Directors in its 53<sup>rd</sup> Meeting held on 25.05.2020 vide Agenda Item No.11-5/2020 resolved not to review the punishment of barring one increment with cumulative effect imposed upon Sri.Sreekumar.R, overseer, by the Chairman & Managing Director as per orders read as 10<sup>th</sup> above.

The appeal petition of Sri.Sreekumar.R read as 11<sup>th</sup> above is disposed of accordingly.

By Order of the Director Board.

Sd/-

G.LEKHA

COMPANY SECRETARY(I/C)

To

Sri.Sreekumar.R[Emp.Code:1039662],

Overseer,

Electrical Section, Kedakulam

Working @ Electrical Section Kilimanoor

[Through the Executive Engineer, Electrical Division, Attingal].

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, Transmission Circle, 2<sup>nd</sup> Floor Power House Building , TVPM.
4. The Executive Engineer, Electrical Division, Thiruvananthapuram
5. TA to the Chairman & Managing Director, KSEBL.
6. TA to the Director(D,IT&HRM), KSEBL
7. TA to the Director (Plg&Safety) KSEBL
8. TA to the Director(T&SO), KSEBL
9. TA to the Director (Generation-Civil) KSEBL
10. TA to the Director (Generation-Ele.&SCM), KSEBL
11. TA to the Director (Finance), KSEBL
12. The Assistant Executive Engineer, Transmission Subdivision, TVPM
13. Sr.CA to the Secretary (Administration), KSEBL
14. Fair Copy Superintendent/Library/Stock File.

Forwarded/ By Order

  
Senior Superintendent.