



KERALA STATE ELECTRICITY BOARD LTD.

(Incorporated under the Companies Act, 1956)

Registered Office: Vidyuthi Bhavanam, Pattom,

Thiruvananthapuram - 695004

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Abstract

Establishment – Promotion of officers in KSEB Ltd – withholding of vigilance clearance
- due to the pendency of internal vigilance enquiry/ enquiry with
State Vigilance (V & ACB) /departmental proceedings not yet charged –
modification of existing guidelines – Sanctioned – Orders issued.

CORPORATE OFFICE (ADMINISTRATION)

B.O (FTD) No. 288/2020 (Estt.III/Vig.Cle./DPC/2020) Dated, Thiruvananthapuram 22 /04/2020

Read: 1. Note No.1/CVO Camp/General/2020/166 dated 08:04.2020 of the Chief Vigilance
Officer (i/c) KSEB Ltd.

2.Note No.Estt.III/Vig.Cle/DPC/2020 dated 16.04.2020 of the Secretary (Administration)
submitted to the Full Time Directors, KSEB Ltd (Agenda No.33/4/2020)

ORDER

The Chief Vigilance Officer i/c, KSEB Ltd in the note read as 1st above has pointed out the general practice followed by the Vigilance Wing of KSEB Ltd pertaining to the issuing of vigilance clearance to officers for promotion, that if departmental disciplinary/vigilance/criminal proceedings or internal vigilance enquiry/enquiry with state vigilance is pending against an employee of the KSEB Ltd., vigilance clearance will be declined and summary of the related case will be furnished for placing before the Departmental Promotion Committee for taking appropriate decision regarding the suitability of such officer for being included in the Select List for being promoted to their respective higher cadres. The said guidelines are formulated by invoking Rule 28 (b) (i) of Part II KS & SSR.

The Chief Vigilance Officer, KSEB Ltd has pointed two judgements wherein the Hon. Court had held that only when a charge-memo in a disciplinary proceedings or a charge sheet in a criminal prosecution is issued to the employee that it can be said that the departmental proceedings/ criminal prosecution is initiated against the employee. (Union of India and Others v/s K.V.Janakiraman and Others (1991) 4 SCC 109)

The Hon. High Court of Kerala in WP (C) No.23777/2006 [K.K.SasidharanV/s State of Kerala 2008 (4) KHC 146] has upheld that issuance of Memo of Charges in sine qua non for the purpose of pendency of disciplinary proceedings governed by Rule 15 of the KCS (CCA) Rules 1969, the pendency of vigilance proceedings for the purpose of the Rule should be inferred only if charges are framed in that regard by the Vigilance Court.

Hence it was recommended to consider the promotion of officers in the following cases:

- (i) Departmental disciplinary proceedings in which no Memo of Charges (MOC) is served.
- (ii) Vigilance Enquiry by KSEB Vigilance is pending.
- (iii) Vigilance Enquiry by V & ACB is pending.
- (iv) Vigilance cases in which charge is not framed by Vigilance Court.
- (v) Criminal cases which are not charge sheeted.

The matter was placed before the Full Time Directors, KSEB Ltd as per note read as 2nd above.

The Full Time Directors, KSEB Ltd resolved to issue a circular detailing the guidelines to be followed while issuing vigilance clearance for promotion of officers highlighting the recommendations put forth by the Chief Vigilance Officer i/c.

Orders are issued accordingly.

By Order of the
Full Time Directors,
Sd/-

LEKHA.G
COMPANY SECRETARY-IN-CHARGE

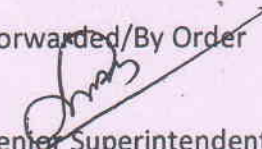
To

The Chief Vigilance Officer i/c, KSEB Ltd.
The Chief Engineer (HRM), KSE Board Ltd
The Legal Advisor and Disciplinary Enquiry Officer, KSEB Ltd

Copy to:-

1. The Chief Engineer (IT).
2. The Financial Adviser/Chief Internal Auditor
3. The Company Secretary-in-charge
4. The TA to Chairman & Managing Director/ Director (Distn.,IT&HRM) / Director (Trans.& System Operation, Corporate Planning, Safety & REES)/ Director (Gen-Civil)/ Director, (Gen-Ele. &SCM)).
5. The PA to Director (Finance).
6. Senior CA to Secretary (Administration)/Senior CA to Chief Vigilance Officer
7. Library/Stock file/General Stock file.

Forwarded/By Order


Senior Superintendent