



KERALA STATE ELECTRICITY BOARD LTD.

(Incorporated under the Companies Act, 1956)

Registered Office: Vidyuthi Bhavanam, Pattom, Thiruvananthapuram-659 004 Kerala

Website: www.kseb.in. CIN: U40100KL2011SGC027424

Office of the Chief Vigilance Officer, Vidyuthi Bhavanam, Thiruvananthapuram-4

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Abstract

Disciplinary action against Sri. Mohammedali Manu.F, Superintendent, O/o the Financial Adviser (formerly Senior Assistant, O/o the Legal Adviser & Disciplinary Enquiry Officer) – Review petition filed by Sri. Mohammedali Manu.F before the Director Board of Kerala State Electricity Board Ltd- Disposed of – Orders issued.

CORPORATE OFFICE (VIGILANCE WING)

BO (DB) No: 224/2020 (VIG/B3/2096/2017) / 659 TVM, Dtd: 20 /03/2020

Read:

1. Memo of Charges No. EBVS.2/31/2016 dtd.05/01/2017 of the Chief Engineer (HRM), Vidyuthi Bhavanam, Pattom, Thiruvananthapuram
2. Show Cause Notice No.EBVS.2/31/2016 dated 23/04/2018 of the Chief Engineer (HRM) Vidyuthi Bhavanam, Thiruvananthapuram
3. Proceedings No.EBVS.2/31/2016 dated 18/09/2018 of the Chief Engineer (HRM) Vidyuthi Bhavanam, Thiruvananthapuram
4. Appeal Petition dated 30/10/2018 filed by Sri. Mohammedali Manu.F, before the Chairman & Managing Director, KSEBL.
5. Proceedings No.Vig/B3/2096/2017 (Reopened) Dated 12/02/2019 of the Chairman & Managing Director, KSEBL.
6. Review petition dated 20/06/2019 filed by Sri. Mohammedali Manu.F before the Director Board of KSEBL.
7. Note No Vig- B3/2096/2017 dated 22/01/2020 of the Chairman & Managing Director placed before the Director Board of KSEBL.
8. Proceedings of the 52nd meeting of the Board of Directors held on 04/03/2020 vide Agenda Item No.18-03/2020.

ORDER

Disciplinary action was initiated against Sri.Mohammedali Manu.F by the Chief Engineer (HRM), while he was working as Senior Assistant, Office of the Legal Adviser & Disciplinary Enquiry Officer. Allegation is that he failed in following up and ensuring compliance of the judgement on W.P(C) No.5861/2016 of the Hon'ble High Court of Kerala which lead to filing up of contempt of court case against the Kerala State Electricity Board Ltd and the Chairman & Managing Director was arrayed as a party in the said contempt

case. Subsequently Memo of Charges was issued to him as per paper read as 1st above by the Chief Engineer (HRM).

Sri.Mohammedali Manu while submitting reply to Memo of Charges questioned the authority of the Chief Engineer(HRM) to charge sheet him as he was working under the apex body (O/o the Legal Adviser & Disciplinary Enquiry Officer), which is a clear case of insubordination and misconduct. As reply to memo submitted by him was found not satisfactory, Show Cause Notice dated 23-4-2018 as per paper read as 2nd above was issued to him by proposing minor punishment of barring one increment without cumulative effect for a period of 6 months. As his reply to Show Cause Notice was same as that of reply to Memo of Charges, the Chief Engineer(HRM) decided to finalize the above disciplinary action by confirming the punishment proposed in the Show Cause Notice and the disciplinary action against Sri.Mohammedali manu was finalised as per paper read as 3rd above. Aggrieved by the above orders of the Disciplinary Authority, Sri.Mohammedali Manu filed an appeal petition as per paper read as 4th above before the Chairman & Managing Director which was disposed by the Chairman & Managing Director as per Proceedings read as 5th above by observing that there is no need to review the orders of the Chief Engineer(HRM) as no fresh averments and arguments put forth by Sri.Mohammedali Manu.F for worthwhile consideration.

Sri.Mohammedali Manu submitted a Review Petition vide paper read as 6th above before the Board of Directors against the orders of the Chairman & Managing Director by contenting that the Chief Engineer (HRM) was acting prejudicially at the instruction of then the Chairman & Managing Director who verbally directed the Disciplinary Authority to impose minor punishment upon him. He also contented that in the instant case, the Disciplinary Authority, the Chief Engineer (HRM) acted under the undue influence of the order of the then Chairman & Managing Director. He also averred that the arbitrary nature of the orders of the Chief Engineer (HRM) and the Chairman & Managing Director is evident from disposal by a non-speaking order and without considering the defense statement submitted in this regard. He again remarked that another baseless charge levelled against him was that he had stated Chief Engineer (HRM) has no locus standi to charge sheet him as he was working under the Legal Adviser & Disciplinary Enquiry Officer and also adds that he meant is that in a case where a detailed report in favour of him by the Supreme Disciplinary Authority, the Legal Adviser & Disciplinary Enquiry Officer, the

O/o the Chief Engineer (HRM) which is an office at the entry level cannot have legal back-up for a subsequent enquiry. He again argued that if the foremost report of the Legal Adviser & Disciplinary Enquiry Officer were properly analyzed, disposal of the above case would have been different and even at this belated stage, the report of the Legal Adviser & Disciplinary Enquiry Officer may be taken into belief and acquit him from the punishment.

On perusing the above review petition by Sri.Mohammedali Manu before the Board of Directors it is seen that he was raising the same allegations and arguments raised in the appeal petition submitted to the Chairman & Managing Director and which was disposed as per proceedings read as 5th above. His argument is that the Chief Engineer (HRM) does not have the power to charge sheet him as he is working under the apex body, which is a clear case of insubordination and misconduct, Chief Engineer (HRM) is the Appointing Authority. Also the Chief Engineer (HRM) is the competent authority up to the level of Assistant Executive Engineers who can be acted as Disciplinary Authority of KSEBL Employees. As per KSEB Employees (CC&A) Regulations 1969, "Disciplinary Authority in relation to imposition of a penalty on a Board employee, means the authority competent under regulations to impose on him that penalty". Also as per Regulation 12 of Kerala State Electricity Board Ltd Employees (CC&A) Rules, the Board or any other disciplinary authority competent under these regulations may impose on a Board employee any of the penalties specified in Regulation 11. It is the discretionary power of the disciplinary authority to finalize the disciplinary proceedings without the influence of any body. Moreover Legal Adviser & Disciplinary Enquiry Officer is considered to be the authority who can give legal opinions to the Kerala State Electricity Board Ltd. Hence his argument of consideration of foremost report of Legal Adviser & Disciplinary Enquiry Officer is the sole decision of Disciplinary Authority only is not acceptable.

The Chairman & Managing Director while meticulously examining the review petition filed before the Director Board of KSEB Ltd along with connected file observed that all the arguments and averments in the review petition is the same version of the appeal petition already examined by the Chairman & Managing Director. No fresh arguments or evidence other than the above is highlighted by the review petitioner for worthwhile consideration. However, the Chairman & Managing Director after meticulously examining the entire history of the case in details ordered to place the review petition of Sri.Mohammedali Manu, Superintendent, before the Board of Directors of KSEB Ltd, for

taking a decision in this regard. Accordingly a detailed Note read as Paper 7th above by highlighting the entire history of the case was placed before the Board of Directors of KSEB Ltd.

Having examined the Review Petition of Sri.Mohammedali Manu, by the Director Board in its 52nd Meeting held on 04-03-2020, **RESOLVED NOT TO revoke the punishment of barring one increment without cumulative effect for six months inflicted upon Sri. Mohammedali Manu. F**, as per the orders of the Chief Engineer (HRM) dated 18-09-2018 read as paper 3rd above and the orders of the Chairman & Managing Director dated 12-2-2019 read as paper 5th above.

The Review Petition read as paper 6th above is disposed of accordingly.

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

To

Sri.Mohammedali Manu.F (Emp.Code.1053522)
Superintendent,
O/o the Financial Adviser,
Vydyuthi Bhavanam,
Pattom.

(Through the Deputy Chief Engineer(HRM-II), Vydyuthi Bhavanam, Pattom,
Thiruvananthapuram.)

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), KSEB Ltd.
2. TA to the Chairman & Managing Director, KSEB Ltd.
3. TA to Director (Gen-Civil) Kerala State Electricity Board Ltd.
4. TA to the Director (D,IT&HRM), KSEB Ltd.
5. TA to the Director (T,SO & SAFETY, Corp.Plg), KSEB Ltd.
6. TA to the Director (Gen. ELE & SCM),KSEB Ltd.
7. PA to the Director (Finance), KSEB Ltd.
8. Sr.CA to the Secretary (Administration), KSEB Ltd.
9. Fair Copy Superintendent /Library/Stock File.

Forwarded /By Order,

Polly Mathias
Senior Superintendent.

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

To

Sri.Mohammedali Manu.F (Emp.Code.1053522)
Superintendent,
O/o the Financial Adviser,
Vydyuthi Bhavanam,
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(Through the Deputy Chief Engineer(HRM-II), Vydyuthi Bhavanam, Pattom,
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Forwarded /By Order

Soly Mathias
Senior Superintendent.