



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

Reg. Office: Vidyuthi Bhavanam, Pattom, Thiruvananthapuram - 695 004, Kerala

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Abstract

Establishment – Reckoning of prior service rendered elsewhere by the Board employees for pensionary benefits- Modification of Board Order – Sanctioned – Orders issued.

CORPORATE OFFICE (ADMINISTRATION)

B.O. (DB) No199/2023 (Estt.IV/6848/2022) Dated, Thiruvananthapuram, 13.04.2023

- Read:-
1. B.O (FB) No.2574/2005 (Estt.IV/Reckoning Service/2005) dated 01.09.2005.
 2. G.O (P) No.39/2006/Fin dated 23.01.2006 (Amendment to KSR Rule 11 Part III).
 3. G.O (P) No.209/2012/Fin dated 03/04/2012 (with effect from 19/11/2009) (Amendment to KSR Rule 20 Part III).
 4. B.O (FB) No.1664/2002 (Estt.VII/7629/2002) dated 10/12/2002.
 5. Ruling under Rule 11 Part I KSR.
 6. B.O (FB) No.628/2007 (PS I/101/2006) dated 19.03.2007.
 7. Note No.LAS I/6610/2022 dated 15.11.2022 of the LA&DEO.
 8. Note No EsttIV/6848/2022 dated 16.03.2023 of the Chairman and Managing Director.
 9. Proceedings of the 70th Meeting of the Board Of Directors vide Agenda 12- 03/2023 held on 25.03.2023

ORDER

KSEBL as per B.O read as 1st above has issued guidelines for reckoning of prior service rendered elsewhere by the Board employees for pensionary benefits in the Board.

KSR Rule 11 Part III was amended in 2006 vide G.O read as 2nd above with effect from 12.11.2002, whereby it was ordered that prior service in Central Government is reckonable towards pensionary benefits without the condition of paying pro-rata pension contribution by the Central Government.

As per the G.O read as 3rd above the amendments to Rule 20 Part III KSR which came into force with effect from 19.11.2009, specifically excluded the prior service put in by Government employees in public undertakings, autonomous bodies or similar bodies constituted under the Companies Act or by separate legislation of the Central or State Government from being reckoned for pension and DCRG from Government.

As per B.O read 4th above, the KSEB has resolved that, KSR and KS&SSR and their amendments from time to time are automatically applicable to the employees of the Board unless and otherwise decided by the Full Board. Since the above Board Order is still in force both the Amendments mentioned above are applicable to the Board.

The Rule 11 Part I KSR states that an officer's claim to pension is regulated by the rules in force at the time when the officer resigns or is discharged from the service of State. Accordingly the rule now applicable in Board is 2009 Amendment and Board Order dated 01.09.2005 became redundant. In the above circumstances the guidelines as per the Board Order read as 1st above is redundant now, though it is being followed in Board till this date. KSEB has decided to reckon prior service based on Board Order dated 01.09.2005 and later on decided to decline the reckoning of prior service in KSHB, Rubber Board etc in view of the 2009 amendment to Rule 20 KSR Part III resulting in lot of confusion regarding the applicability of the rules and an array of litigations. The Chief Engineer (HRM) has sought clarification from Board regarding the rules to be followed by Board in view of the changed scenario and various differing opinions in different cases given in this regard.

KSEBL is not reckoning the prior service rendered elsewhere by Board employees in view of the provisions in this regard in the Board Order read 6th above with effect from 18.03.2007. Even after the amendment of KSR in 2009, Board has given chance to its employees to reckon their prior service in almost all Long Term Settlements latest being in 2021. Under item B (4) of the Article-XI (General & Miscellaneous) of the Long Term Settlement 2021, the Board has given one more chance to employees who joined the service of Board before 18.03.2007 to submit application for reckoning the prior service, subject to the condition that the employee's pension contribution should be paid directly by the former employer

itself giving a legitimate expectation to the employee that his prior service elsewhere will be reckoned.

The Senior Law Officer i/c of Legal Adviser & Disciplinary Enquiry Officer has opined as per note read as 7th above to place the matter before the Full Board to decide as to whether the implementation of Rule 20 Part III KSRs read with Ruling under Rule 11 Part I KSRs should be negated to the extent of saving 2005 Board Order or whether KSEBL should adhere to Rule 20 Part III KSRs read with Ruling under Rule 11 Part I KSRs as it exists now in order to resolve the conflict between Rule 20 Part III KSRs and 2005 Board Order.

A proposal to modify the B.O dated 01.09.2005 to implement the amendment to Rule 11 part III which discontinues realization of pro-rata from former Central Government Employees and to negate the implementation of 2009 Amendment to Rule 20 Part III KSR in KSEBL was placed before the Full Time Directors and it was directed to place before Director Board of KSEBL.

Accordingly the matter was placed before the Director Board as per note read 8th above. Having considered the matter in detail, the Director Board in its meeting held on 25.03.2023, has resolved to modify the B.O. read 1st above to incorporate the amendment to KSR Rule 11 Part III dated 23.01.2006 with effect from 12.11.2002. Further resolved to negate the application of Amendment to Rule 20 Part III KSR dated 19.11.2009 while reckoning the prior service of KSEBL employees who had entered Board Service on or before 18.03.2007.

Orders are issued accordingly.

By Order of the Director Board
Sd/-
LEKHA.G
COMPANY SECRETARY

To

The Chief Engineer (HRM)

(P.T.O)

Copy to :

The Financial Advisor / Chief Internal Auditor / Chief Vigilance Officer.
The Chief Engineer (IT)/ Deputy Chief Engineer (HRM) II.
The T.A to the Chairman & Managing Director /
Director (TSO, Planning, Safety & GE) / Director (Gen. Civil) /
Director (Distn, SCM, IT, REES, SOURA
The PA to the Director (Finance)
The Accounts Officer (Pension Authorisation)
The Accounts Officer (Pension Sanction)
The Company Secretary.
The Sr.CA to the Secretary (Administration).
File/ Stock File

Forwarded/By Order



Senior Superintendent