

KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Indian Companies Act, 1956)

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

CIN : U40100KL2011SGC027424 Website: www.kseb.in

Office of the Secretary (Administration)

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Abstract

Compliance of judgment of the Division Bench of the Hon'ble High Court of Kerala in Writ Appeal No.1032/2021 filed by Kerala State Electricity Workers' Union and others against the judgment in WP(C) No. 13933/2021 – Office Order dated 03.10.2024 stands modified - Orders issued.

CORPORATE OFFICE (LAW)

Office Order [CMD] No.1757/2024 (LAS III/3011/2024)

Dated, Thiruvananthapuram, 07.11.2024

- Read:-
1. Award dated 15.12.2004 of the Industrial Tribunal, Palakkad in I.D No. 27/2002.
 2. Order dated 12.03.2010 of the Hon'ble Supreme Court of India in SLP(C) No. 23872/2008 & 31118/2008.
 3. B.O(CM) No. 1026/2010 (LAS.III/15962/2007) dated 22.04.2010.
 4. Judgment dated 09.06.2015 of the Full Bench of the Hon'ble High Court in WA Nos. 1618/2011, 08/2012 and 09/2012.
 5. Order dated 20.08.2018 of the Hon'ble Supreme Court of India in SLP© No. 20024/2018.
 6. B.O (FTD) No. 652/2019 (EBEW/Petty Contract Worker/25/2017) dated 31.08.2019.
 7. Judgment dated 14.07.2021 of the Single Bench of the Hon'ble High Court in WP© No. 13933/2021.
 8. Judgment dated 22.02.2024 of Division Bench of the Hon'ble High Court of Kerala in WA No. 1032/2021.
 9. Office Order (CMD) No. 1037/2024 (LAS.III/3011/2024) dated 06.07.2024.
 10. Order dated 09.08.2024 of the Hon'ble Supreme Court of India in SLP(c) No. 17102/2024.
 11. Office Order (CMD) No. 1269/2024 (LAS.III/3011/2024) dated 19.08.2024.
 12. Order dated 09.09.2024 of the Hon'ble High Court of Kerala in Contempt Case (Civil) No. 1708/2024.
 13. Office Order (CMD) No. 1545/2024 (LAS III/3011/2024) dated 03.10.2024.
 14. Interim Order dated 18.10.2024 of the Hon'ble High Court in Contempt Case(Civil) No. 1708/2024 in WA No. 1032/2021.

ORDER

The Board, in order to comply with the judgment of the division bench of the Hon'ble High Court of Kerala in WA 1032/2021 analysed the factual position. The Appellants No. 2 to 4 had joined the service of KSEBL in the year 2019 at the age of 58 and retired on attaining the age of 60 in the year 2021. They had opted for pension and pensionary benefits under the National Pension Scheme (NPS). For regular pension, the retirement age is 56 years. Since, the said Appellants joined the service only at their age of 58, they voluntarily chose for NPS.

The judgment of the Hon'ble Division Bench read as 8th paper orders to recalculate the pension of the appellants from the date of regularisation, ie. 15.06.2005 and eventually all the service conditions prevailing in the Board as on the date of regularisation, ie. 15.06.2005 including the Statutory Pension as per the provisions of KSR applicable to the employees of the Board.

The position being so, in compliance with the judgment, the Board hereby decides to recalculate the pension of the Appellants taking the appellants regularization into the Board notionally as on 15.06.2005 allowing statutory pension scheme applying all statutory conditions including the date of retirement of 56 years. Any extra years of service exceeding the 56 years will be shelved from the qualifying service years without effecting any recovery of the already given salary and other monetary benefits for the duty already done. The NPS contribution made by the Board already will be deducted from the due pensionary benefits. The qualifying service prior to 2005 shall also be recalculated for pension along with in terms of the judgment. The preliminary pension papers as mandated in Rule 108 of KSR, Part III are to be submitted by the Appellants and the Chief Engineer (HRM) shall process them without any further delay and sanction the due pension and all other pensionary benefits there upon. The judgment in writ appeal is to be thus complied with immediate effect, as aforesaid, subject to outcome of the Review Petition (Diary No. 38243/2024) pending consideration before the Hon'ble Supreme Court of India.

Orders are issued accordingly.

The Office Order read as 13th paper above stands modified to this extent.

By Order of the Chairman & Managing Director,

Sd/-

SABITHA.S

SECRETARY (ADMINISTRATION)

To

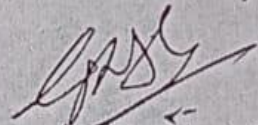
1. The Chief Engineer (HRM), KSEBL, Vidyuthi Bhavanam.
2. The Legal Liaison Officer, Office of the Standing Counsel for KSEB Ltd., Power House, Kochi - 18.

3. The Resident Engineer, Liaison Office, Travancore House, Madhav Rao
Scindia Marg, New Delhi -110001.

Copy to: -

1. The Financial Adviser/The Chief Internal Auditor.
2. The Chief Personnel Officer.
3. The TA to Chairman & Managing Director.
4. The PA to Director (Finance).
5. The TA to Director (HRM, Sports, Welfare, Safety & Quality Assurance)
6. The Accounts Officer (Pension Sanction)
7. The Accounts Officer (Pension Authorization)
8. Dr.(Adv) Thushara James, Senior Advocate, Level-2, Ozone Greens, Ozone Avenue, Jawahar Nagar North, Kadavanthra.P.O – 682020.
9. Sri. Thulasidas.T.K, Kackanattu House, Meenadom.P.O, Kottayam - 686516.
10. Sri. Sudhakaran.O, Naduvilatharayil, Muttom.P.O, Harippad, Alappuzha – 690511.
11. Sri. Vijayakumaran.C.O, Ammoth House, Vazhayoor.P.O, Malappuram – 673633.
12. The Senior CA to Secretary (Administration)
13. Stock File.

Forwarded / By Order



Assistant Law Officer

