



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

CIN:U40100KL2011SGC027424

**Regd. Office - Vidyuthi Bhavanam, Pattom,
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No. PS/ST4 & ST8/Accidents/2022

Date: 20.10.2022

CIRCULAR

Sub: Settlement of Workmen's Compensation claims, ex-gratia benefit to the General Public & Domestic Cattles electrocuted from Board's installations – instructions issued - Regarding.

Ref:-

1. B.O. No. 1394/95 PS (SD)/2815/93 dated 10.07.1995
2. Circular no. PS VIII/GL/97 dtd. 19.01.2000
3. Circular No. PS III/1793/92 dated 27.05.2003
4. B.O. No. 1641/2018 (PS VIII/GL/97) dtd. TVM 05.07.2018.
5. B.O. No. 1862/2008 (PS1/4406/16 dt. 17.10.2018
6. Minutes of the meeting dtd. 20.09.2022 of the Chairman & Managing Director, KSEBL.

As per Circular cited 3rd above, all controlling officers were instructed to report fatal/non fatal accidents occurred to the General Public/Board Employees/ Contractor's workmen at the office of the Chief Personnel Officer along with necessary details/documents for early settlement of claims. Detailed instructions regarding safety precautions to be followed has also been issued. Despite all these, it has been noticed that the field officers are not adhering to the instructions contained therein which results in inordinate delay in settling the ex-gratia/compensation to the accident victim. Due to the delay occurred in reporting the accidents and forwarding the documents necessary to ascertain the eligibility to sanction ex-gratia/compensation in accordance with the provisions of the Act/ Orders prevailing in KSE Board huge financial loss is caused to the Board by way of interest on account of belated settlement of claims. The Chairman and Managing Director has discussed the matter in the meeting held on 20.09.2022 with the O/o Chief Personnel Officer and given strict direction for early settlement of claim.

All documents for ascertaining the eligibility for ex-gratia/compensation has to be submitted within one month from the date of accident and all claim should be settled within 3 months. In the circumstance following further instructions are issued for strict compliance of all ARU heads and field officers concerned in future.

1. All field officers are directed to submit the First Report of Accident in respect of all types of accidents (fatal/non fatal) occurred to Board Employees, Contractor's workmen, General Public and Cattles etc. with in 24 hours time to the office of the Chief Personnel Officer, Personnel Department, Vidyuthi

Bhavanam, Pattom, Thiruvananthapuram through E-mail (pokseb@gmail.com).

2. The Site Mahassar and the Detailed Report of Accident in respect of all types of accident shall be prepared and forwarded within 48 hours of the date of occurrence of accident.
3. The accident shall be reported to the local Police Station forthwith.
4. In respect of fatal accidents to General Public all controlling officers shall furnish the following documents to the office of the Chief Personnel Officer in addition to the documents mentioned at Sl. No (1) and (2), (1) FIR of Police, (2) Police Inquest Report, (3) Post Mortem Certificate, (4) Death Certificate in original, (5) Legal Heirship Certificate and (6) Consent Affidavit for ascertaining the eligibility of the legal heirs to receive ex-gratia benefit as per 'Vydyuthi Suraksha Scheme'.
5. In the case of sustaining permanent disability to General Public due to electrocution from Board's installations, the following details shall be forwarded in addition to the documents mentioned in Sl. No. (1) & (2).
 - a) Treatment certificate
 - b) Medical certificate in original issued by the District Medical Board showing the percentage of permanent disability sustained.
 - c) Individual representation in original requesting for the benefit.
6. In the case of fatal accidents occurred to Board Employees and Contractor's workmen, documents such as (1) Death Certificate in original, (2) Attested copies of FIR of Police, (3) Postmortem Certificate, (4) Police Inquest Report (5) 12 months wages drawn details prior to the date of occurrence of the accident and (6) Certificate/relevant page of SSLC Book to prove the Date of Birth of the victim shall be submitted with in 2 weeks in addition to the details mentioned (1) & (2).
7. Attested copy of Contract of Agreement/work order related to the work done by the victim shall be submitted in case of all types of accidents occurred to petty contract workmen.
8. For Half Monthly/ Disablement Compensation related to non fatal accident victims, documents viz. Medical Certificate showing the period of treatment and rest advised by the doctor & Fitness Certificates in original, Medical Certificate showing the percentage of disability issued by the District Medical Board(in original) shall be submitted.
9. In case of non fatal accident occurred to contract workman based on the seriousness the injury and based on the estimate certificate issued by the Doctor concerned can be sanctioned as immediate assistance as per the provisions of Rule 4-A (2) of EC Act 1923 which will be deducted from the final disablement compensation sanctioned.

As per Board Order cited 5th above, KSE Board has decided to enhance the financial limit prescribed for the petty contract work from `3 lakh to `5 lakh and this will be the maximum ceiling limit fixed for the award of petty contract works. Board's liability for payment of compensation is limited only in case of those 'petty contract work' which does not exceed the above limit. The liability of payment of compensation in respect of accident occurred during the conduct of those works with estimate cost above `5,00,000/- is with the contractor who has engaged the contract workers. The following directions are issued in this regard.

1. The contractor undertaking work with estimate cost more than `5,00,000/- shall be directed to obtain an insurance coverage(All Risk Cover) in respect of the workmen engaged by him from a nationalized Insurance company by paying adequate premium to cover the compensation payable as per the provisions of the Act in case of fatal and nonfatal accident if any occurred to the workmen.
2. The insurance coverage obtained as per (1) above shall be sufficient enough to cover all the expenses payable on behalf of the fatal/nonfatal accident victims including hospital expenses, HMC, funeral benefit, compensation (death and disablement total and partial) and other financial benefits payable as per the provisions of the Employee's Compensation Act, 1923.
3. The details regarding the insurance cover obtained, number of workmen included, period of validity, terms and conditions, exceptions if any shall be included as a compulsory item in the contract of agreement/ work order. The policy document in original shall be attached with the work order and retained in safe custody at the office concerned.
4. The work order shall not be issued and the contractor shall not be authorized to undertake or commence the work unless and until the conditions stipulated under Clause (1), (2) and (3) above are complied with.
5. In case of occurrence of any accident to the employee engaged by the Petty Contractor, the work bill of the contractor shall not be settled unless and until eligible amount of compensation and other financial benefit are deposited before the 'Commissioner for Employees Compensation' or disbursed to the non fatal accident victim directly as per the provision of the ECA 1923.
6. An agreement condition to the effect that "Any liability on the difference in compensation amount payable before the Commissioner for Workmen's Compensation (Deputy Labour Commissioner) or to the victim beyond the insurance claim amount sanctioned by the insurance company rests with the contractor who has engaged the victim" shall be included in the Contract of Agreement/Work Order.

In cases of death and non fatal accidents to the contract workmen, KSE Board being the principal employer is somehow or other liable to compensate the victims of the accident. In order to properly defend KSEB Ltd against such claims, adequate security and insurance coverage shall be obtained from contractors for discharging the liability under Employee's Compensation Act, 1923.

Instructions and guidelines were already issued to field officers regarding the proper conduct of Board's cases by appointing Nodal Officers at Circle/Division level. But it is noticed that much delay is caused in sending certified copy of decree and judgments of disposed cases to the KSEB Ltd. As the Hon'ble High Court is not inclined to accept the reasons for condoning the delay, the Board becomes constrained to deposit the amount.

Hence KSEBL once again remind all the field officers to see that judgements and decrees of all disposed cases are forwarded to the Board within the appeal period (60 days from the date of pronouncement of the judgement) and ensure that appeals are filed in time.

All field officers are again informed that in cases where the Commissioner for Workmen's Compensation imposes interest for the compensation amount due to the delay in depositing compensation and in cases in which the Board has to bear those expenses, the field officers who are responsible for the delay in sending the report and documents shall be held liable for that amount.

In the above circumstance KSEBL once again reminds all ARU Heads and all the field officers concerned to comply with the instructions issued in this Circular scrupulously. Any lapse in this regard will be viewed seriously and the field officers & ARU heads will be held liable for any loss sustained on this account.

Failure in following these instructions shall lead to initiating stringent disciplinary action against field officers concerned and liability caused if any, on behalf of the above will be fixed on the concerned field officers & ARU Heads.

For any clarification regarding the above matter, the office of the Chief Personnel Officer may be contacted for necessary advice and further directions in this regard.



Secretary (Administration)



To:

All ARU Heads.

Copy to:-

All Chief Engineers/Financial Adviser/Chief Internal Auditor/The LA & DEO/ The Chief Vigilance Officer/ All Deputy Chief Engineers/The TA to Chairman & Managing Director/ The TA to Director (Finance & HRM)/The TA to Director(REES, SOURA,NILAAVU Project, Sports & Welfare)//The TA to Director (G-C)/The TA to Director (Gen-Electrical)/The TA to Director (D, SCM & IT)/The TA to Director (T, SO, Plg & Safety)/ The Company Secretary I/C/The PA to Director Finance/All Executive Engineers/The Deputy Secretary (Admn) The Chief Public Relations Officer/All Regional Audit Officers/CA to Secretary (Admn)/ The Fair Copy Superintendent/ Records Section/Stock file.