



കെ.എസ്.ഇ.ബി. ലിമിറ്റഡ്



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## KERALA STATE ELECTRICITY BOARD LTD.

(Incorporated under the Indian Companies Act, 1956)

CIN : U40100KL20115GC027424

Office of the Chief Engineer (HRM), Vidyuthi Bhavanam, Pattom, Thiruvananthapuram, Kerala – 695004.

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**PRESENT: MINI GEORGE**

**PROCEEDINGS OF THE CHIEF ENGINEER (HRM),**  
**KERALA STATE ELECTRICITY BOARD LIMITED, THIRUVANANTHAPURAM**

Sub:-Estt.-Temporary promotion to the cadre of Assistant Engineer (Ele) – Sanctioned  
– Orders issued

**No. EB1 (a)/SE-AE/Temp.Pro/2019**

**Dated, Thiruvananthapuram, 26.10.2019**

Read: 1. BO M.IV.11552/67 dated 13.07.1967

2. B.O. RLI.28309/72 dated 16.08.1973

3. Judgment dated 5.1.2015 in WPC No.7964/2012

4. This office proceedings of even number dated 22.11.2018 & 10.01.2019.

5. Office Order (CMD) No.1308/2019 (Estt.II/991/2019) dated 23.07.2019.

### **ORDER**

Appointment/Promotion to the cadre of Assistant Engineer (Ele) in KSEBL is governed by Board orders read as 1<sup>st</sup> and 2<sup>nd</sup>. As per the said orders, vacancies in the cadre of Assistant Engineer (Ele) are filled up in the ratio 5: 3: 2. 50% (40% from open market and 10% from in-service candidates having graduation in Engineering) of the Total cadre strength is filled by recruitment through K.P.S.C. 30% of the total cadre strength is filled by the promotion of Sub Engineers having Diploma qualification and 20% of the total cadre strength is filled by promotion of Sub Engineers having I.T.I Certificate.

In spite of the existence of vacancies in the cadre of Assistant Engineer (Ele), promotion to these vacancies has been stymied by virtue of Judgment dated 5.01.2015 in WPC No.7964/2012. This writ petition was filed by a group of Diplomite Sub Engineers seeking a direction to apply the ratio for promotion on arising vacancy

instead of cadre strength. The Hon'ble High Court in its judgment dated 5.1.2015 has ruled as follows,

- a. *The provisions of the Board Order dated 16.08.1973 referred 2<sup>nd</sup> applying the ratio on cadre strength is applicable only between direct recruits and promotees, and the ratio between promotees be applied on arising vacancies.*
- b. *Promotion order dated 29.11.2011 of certificate holders to the cadre of Assistant Engineer (Electrical) under 20% category is quashed.*
- c. *Court has directed to grant promotion to the 1<sup>st</sup> petitioner Sri. Sajeev, Sub Engineer (Electrical), who is very junior in the gradation list.*

As per note 3 of Rule 5 of KS & SSR, whenever a ratio is fixed for different methods of recruitment / appointment / promotion to a post the number of vacancies to be filled up by the candidates from each method shall be decided by applying the fixed ratio or percentage to the cadre strength of the post to which the recruitment / appointment / promotion is made and not on the vacancies existed (arising vacancies) at that time. In the Board order governing the appointment/promotion to the cadre of Assistant Engineer it is categorically stated that the ratio or percentage must be applied on the cadre strength and not in the arising or existing vacancies.

In view of the above facts, Board filed W.A No. 2788/2015 against the judgment in WPC No.7964/2012. Meanwhile, in the wake of the Contempt Petition No.1967/2016, the 1<sup>st</sup> petitioner in WPC 7964/2012 was promoted provisionally to the cadre of Assistant Engineer (Ele) subject to the outcome of W.A No.2788/2015.

As the vacancies in the cadre of Assistant Engineer (Ele) available for promotion are left unfilled in the aftermath of the judgment in WPC 7964/2012 and pendency of the pronouncement of judgment in W.A No.2788/2015 filed by the Board severe shortage of Assistant Engineers (Ele) is being experienced, particularly in distribution section offices. Many field offices have made several requests to urgently fill the vacancies of Assistant Engineer (Ele). Various officers'/ workmen organizations have flagged the fallout of the critical places of Assistant Engineers (Ele) being left unfilled.

In the peculiar situation as stated above it has been decided to tide over this embarrassing situation by resorting to temporary promotion, as provides for in Rule 31 of KS&SSR, without quota rule in the existing vacancies in the cadre of Assistant Engineer (Ele).

Accordingly, temporary promotions to the cadre of Assistant Engineer (Ele) of the persons figured in the annexure attached are ordered subject to the following conditions.

1. The above promotions are purely provisional and ordered as per Rule 31 (a) Part II Kerala State & Subordinate Service Rule 1958. Persons promoted temporarily as Assistant Engineer (Electrical) shall not be regarded as a probationer in the cadre of Assistant Engineer (Electrical) or be entitled by reason only of this temporary promotion to any preferential claims for future promotion against any category in the Board. The temporary promotion will not confer upon them any right, claim, lien or seniority in the cadre of Assistant Engineer (Electrical). Training, if any, given during the period of temporary engagement does not confer upon them any claim for permanent promotion to the cadre of Assistant Engineer (Ele).
2. The above orders are issued in the exigencies of service and in public interest.
3. The above temporary promotions are ordered as per Rule 31 (a) Part II Kerala State & Subordinate Service Rule 1958 and till regular hands report for duty or otherwise as and when the Board deems it necessary to terminate the temporary appointments on other grounds whichever is earlier.
4. When regular promotions to the cadre of Assistant Engineer (Electrical) are ordered the temporarily promoted persons will be reverted to the cadre of Sub Engineer (Ele) immediately by cancelling the temporary promotions.
5. For the above temporary promotion the normal rule of pay fixation relating to temporary promotion as provides for in the clause 31(f) of Kerala State & Subordinate Service Rule 1958 will apply.
6. As per Board Order read above as 5<sup>th</sup>, temporary promotees are eligible for cadre pay with effect from the actual date of joining the promoted post.
7. Controlling officers should ensure that there are no adverse remarks barring promotion in the service book of the persons promoted temporarily. If there are any adverse remarks about the persons promoted he/she shall not be relieved and the fact be reported to this office forthwith. If any person promoted above are presently on LWA as per appendix XII-A, XII-B or XII-C of Part – I KSR/resigned/under suspension the fact shall be reported to this office immediately.
8. The persons promoted temporarily as per this order shall furnish an undertaking in the prescribed format annexed to this order within a period of 15 days from the date of this order. If he/she fails to furnish the undertaking within the stipulated time limit his /her temporary promotion will be treated as cancelled and stands withdrawn.
9. Before relieving the promotees from their present post, the controlling officer shall ensure that the prescribed undertaking is obtained and the same is pasted and entries in this regard are made in the service book of the incumbent concerned. Copy of the same shall be forwarded to the office of the

undersigned without fail. A scanned copy of the undertaking shall be sent to the e-mail address [esthrm@kseb.in](mailto:esthrm@kseb.in)

10. Controlling officer shall verify and ensure the general and technical qualifications and date of birth before relieving the persons promoted temporarily.
11. HRIS shall be updated by the ARUs concerned.

Sd/-

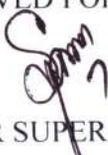
CHIEF ENGINEER (HRM)

Acc:- Annexure

Copy to:-

- 1 All Chief Engineers (Ele. & Civil)
- 2 All Deputy Chief Engineers (Ele. & Civil)
- 3 All Executive Engineers (Ele. & Civil)
- 4 The Secretary (Administration), K.S.E.B. Ltd., Tvpm.
- 5 The Legal Advisor & Disciplinary Enquiry Officer, K.S.E.B. Ltd., Tvpm.
- 6 The Chief Vigilance Officer, K.S.E.B. Ltd., Tvpm.
- 7 The FA/CIA, K.S.E.B. Ltd., Tvpm.
- 8 The Chief Personnel Officer, K.S.E.B. Ltd., Tvpm.
- 9 The Chief Public Relations Officer, K.S.E.B. Ltd., Tvpm.
- 10 The TA to Chairman and Managing Director, K.S.E.B. Ltd., Tvpm.
- 11 The TA to the Director (SCM, Plg. Gen-Ele & Safety), K.S.E.B. Ltd., Tvpm.
- 12 The TA to the Director (Trans. & System Operation), K.S.E.B. Ltd., Tvpm.
- 13 The TA to the Director (Generation - Civil. & HRM), K.S.E.B. Ltd., Tvpm.
- 14 The TA to the Director (Distribution & IT), K.S.E.B. Ltd., Tvpm.
- 15 The PA to the Director (Finance), K.S.E.B. Ltd., Tvpm.
- 16 The Senior Superintendent, Gradation section/Bill Section/EBV Section (office).
- 17 Website : [www.kseb.in](http://www.kseb.in)
- 18 Stock File.

APPROVED FOR ISSUE

  
SENIOR SUPERINTENDENT