



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Indian Companies Act, 1956)

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CIN :U40100KL2011SGC027424

C8

Abstract

Common judgment dated 30.07.2015 in WA No.1094/2014 and connected cases - Compliance - Orders issued.

CORPORATE OFFICE (LAW)

B.O. D (F) No.781/2016 (LAS III/91/15-16). Dated, Thiruvananthapuram, 05.03.2016.

- Read:-
- (1) B.O. No.AR-III/36591/1978 dated 23.01.1981.
 - (2) B.O. No.PS1-84/88 (59) dated 05.10.1990.
 - (3) B.O. No.2150/2000 (PS1/1400/98) dated 29.08.2000.
 - (4) B.O. (FB) No.2020/2010 (Estt II/1143/2007) dated 02.08.2010.
 - (5) Proceedings dated 09.02.2011 of the Chief Engineer (HRM).
 - (6) Judgment dated 22.05.2014 in WP (C) No.29243/2011 and connected cases.
 - (7) Judgment dated 30.07.2015 in WA No.1094/2014 and connected cases.
 - (8) Order dated 28.09.2015 of the Hon'ble Supreme Court of India in SLP (C) No.27325/2015.
 - (9) Judgment dated 28.01.2016 in RP No.1180/2015 and connected cases.

ORDER

The method of promotion and qualification to the post of Sub Engineer (Ele.) from Second Grade Overseer (Ele.) under 60% quota is prescribed in Board Order read as 1st above, as per which the feeder category for promotion to the cadre of Sub Engineer (Ele.) is stipulated as Second Grade Overseers.

Later, in the Long Term Settlement, 2000, as per Board Order read as 3rd paper above it was ordered that the post of Meter Reader would be the feeder category for promotion to the post of Sub Engineer (Ele.) against 60% quota and the post of Overseer (Ele.) would cease to be the feeder category for the post of Sub-Engineer (Ele.) from the date of the settlement. It was further ordered that all the then existing qualified Overseer (Ele.) as on the date of settlement would be promoted to the post of Sub-Engineer and thereafter the qualified Meter Reader would be considered for promotion.

Subsequently, it was pointed out that some of the qualified Overseers (Ele.) happened to be entrapped in the category without any further promotion and the employees requested for a channel for getting promotion. Accordingly, as per Board Order read as 4th paper above, it was ordered that the vacancies arising against the 60% quota for promotion to the post of Sub-Engineer (Ele.) would be apportioned between the Meter Reader and Overseers having general and technical qualifications with experience prescribed for promotion to the post of Sub-Engineer (Ele.) in KSE Board as follows:

50% - from among qualified Meter Readers with 5 years experience.

10% - from among qualified Overseers with 5 years experience.

In furtherance of the Board Order read as 4th paper above, the Chief Engineer (HRM) invited applications from eligible candidates for promotion to the post of Sub Engineer (Ele.).

The selection and promotion were effected on the premise that with Overseers (Ele.) ceasing to be the feeder category for promotion as Sub-Engineer (Ele.), the qualification prescribed in the Board Order read as 1st paper above was no longer applicable. Moreover, in the Board Order read as 4th paper above while making provision for 10% quota for Overseer (Ele.) for promotion as Sub-Engineer (Ele.) it was prescribed that the general and technical qualifications with experience prescribed for promotion to the post of Sub-Engineer would be the qualification. The qualification for promotion of Meter Readers to the post of Sub-Engineer (Ele.) is in the Board Order read as 2nd paper above. Hence, the qualification prescribed for the promotion of Overseer (Ele.) was taken as akin to that prescribed for promotion of Meter Reader to Sub-Engineer (Ele.). A select list was prepared and promotion order was issued accordingly as per order read as 5th paper above.

WP (C) No.29243/2011, 29144/2012, 29182/2012, 29509/2012, 30122/2012 and 3628/2013 were filed challenging the promotions effected as per Proceedings read as 5th paper above. The Hon'ble High Court in the judgment read as 6th paper, disposed the Writ Petitions with certain directions to the Board.

Challenging the judgment read as 6th paper above, WA No.1094/2014 and connected cases were filed which were disposed as per judgment read as 7th paper above wherein the Hon'ble High Court had allowed the appeals setting aside the judgment of the learned Single Judge and quashing Ext. P5 and Ext P10. It was further made clear that the Board is entitled to effect promotion on the basis of a list prepared in terms of the qualification as prescribed in Ext. P1 Board Order dated 23.01.1981.

In the meanwhile SLP (C) No.27325/2015 was filed before the Hon'ble Supreme Court of India challenging the judgment in WA No.1094/2014 which was dismissed as per order dated 28.09.2015 read as 8th paper above. RP No.1180/2015 and connected cases were filed seeking review of the judgment read as 7th paper above. The same were dismissed as per judgment read as 9th paper above with observation that if the review petitioners are aggrieved, they are entitled to approach the KSE Board and further ordered that if any changes are to be made to the Board Order dated 23.01.1981, it was for the Board to take a decision.

In view of the above, the entire matter was examined in detail and it has been decided to comply with the judgment in WA No.1094/2015 and connected cases read as 7th paper above. Accordingly, the promotions effected as per Ext.P5 stand quashed.

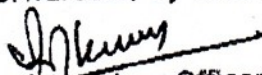
The Chief Engineer (HRM), KSEB Limited shall take further necessary action for full compliance of the judgment.

By Order of the Director,
Sd/-
R. RAJASEKHARAN NAIR,
SECRETARY (ADMINISTRATION)

To
✓ The Chief Engineer (HRM), Kerala State Electricity Board Limited.

Copy to:

The Financial Adviser, Kerala State Electricity Board Limited.
The Chief Internal Auditor, Kerala State Electricity Board Limited.
The TA to Chairman & Managing Director.
The PA to Director (Finance)
The Fair Copy Superintendent, Office of the Secretary (Administration).
All the Petitioners in Writ Petitions.
Library/Stock File.

Forwarded / By Order

Assistant Law Officer.