

**KERALA ELECTRICITY EMPLOYEES' CONFEDERATION
INTUC**



(Reg. No. 01-14/87 - Aff. 10485)
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No. KEEC/GL/2022/51

Thiruvananthapuram
30.07.2022

To

The Hon. Chairman & Managing Director
KSEB Limited
Vaidyuthi Bhavan, Pattom
Thiruvananthapuram

Sir,

Sub: Central Electricity Authority Regulation Draft 2022- implementing regulation 6, 7 – protection of present employees - withdrawal of qualification condition - revision of Government order – reg.

- Ref: 1. Government order - G.O.(Ms)No.4/2022/POWER, dated 21.04.2022
2. Application under RI Act dated 21.02.2022
3. Reply received from CEA dated 28.03.2022 under RI Act
4. Draft regulation 2022 – Regulation 6, 7, Page 9-10
5. Orders on appeal filed before CEA appellate authority, dated 18.7.2022

The promotions of field employees in KSEBL were withheld for a long time due to the issues regarding regulations 6,7 of Central Electricity Authority regulation 2010. As per the above regulation employees in the power sector shall acquire certain qualification ITI/Diploma for continuing in the present post and further promotions. Till 2016, the regulation was not effected in Kerala. In 2016, a Shibu complained before Kerala State Electricity Regulatory Commission and KSERC conducted hearing many times and finally issued order to protect the present employees, warned KSEB to take care to implement Central Electricity Authority regulation in future appointments. In 2018 when the promotions of Electricity Worker to Lineman II were published, one petitioner filed Write Petition before Hon. High Court and the court stayed the promotion order. Subsequently board received order from court to release

promotions with certain conditions. Board has not gone through the orders of KSERC till 2019 and on 13.2.2019 issued a Government Order by protecting the present employees. But the qualification for the future appointment was not prescribed. Later the petitioner ^{filed} Writ Petition before Hon. High Court single bench for staying the Government order dated 13.2.2019 and High court stayed the Government order. Again board and unions filed appeal before Hon. High court division bench and on 14.7.2020 division bench issued judgement favourable to board and employees so that to protect the present employees.

The judgement had two parts, as per the first part employees joined in service till 31.10.2013 were protected under tripartite agreement. The employees who joined after 31.10.2013 were protected under regulation 116, the powers of concerned State Government to decide the qualification. The notification of the employees, who joined after 31.10.2013 was also prior to that date and hence they had notification right. Also in the advertisement of PSC, only SSLC failed candidates could be applied. We had pointed out this earlier. As per the notification, they had the right to get promotion up to the post of Overseer.

On 26.8.2020, the petitioner filed SLP before Supreme Court and on 18.2.2022, the Hon. Supreme Court issued a judgement by accepting the order of the High court division bench by protecting all the present employees.

The real problem begins after the order of the Hon. Supreme Court. The officials in KSEB were not in a position to analyse the order and sent it to Advocate General for clarification and opinion. The Advocate general opined that, promotion can be released but the prescribed qualification ITI/Diploma has to be acquired within ^{5/7} ~~3~~ years. If they were not acquired the qualification within the time, they will be reverted to their previous post. It is a fact that at present there is no ITI/Diploma part time courses in Kerala. So the Government order could not be implemented in any way.

Under this situation we discussed the matter with our advocate and decided to contact with Central Electricity Authority because only Central Electricity Authority could find a solution on their own orders. Firstly we put up a question under RI act that how many states in India have implemented the regulation 6, 7 of Central Electricity Authority regulation 2010 (How many states imposed the qualification). They could not give us a correct answer. It is understood that no states in India have implemented the regulation 6, 7 (Not imposed the

qualification for present employees). We filed Appeal before Central Electricity Authority and in appeal also received the same reply and that means, no states in India have implemented the regulation of qualification to present employees. After the reply under the RI act, we wrote letters to Central Electricity Authority explaining all the facts. Now the CEA regulation 2022 draft published and in the draft they protected the present employees. The action of CEA in the Draft regulation 2022 is most appreciated.

They insisted only a prescribed training as per regulation 6, 7

“provided that the existing employees, who do not have requisite qualification as mentioned above shall have to undergo the training either from Power Sector Skill Council or from Central Electricity Authority recognised training institute carrying out trade specific course for the purpose of getting equivalent certificate as mentioned above.

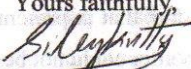
Provided further that the duration of the trade specific course as indicated above shall not be less than as indicated below:

- (i) 80 hours Module- for the employees who are having experience in desired field for five years or more
- (ii) 350 hours Module - for the employees who are having experience in desired field less than five years subject to minimum of 2 years of experience”

In this connection, we request your good self to take necessary steps to revise the Government Order (Reference 1) by protecting the present employees without any condition. It is also requested to withdraw the condition of acquiring qualification ITI/Diploma for the confirmation of present post and future promotions.

Thanking you,

Yours faithfully,


Adv. Sibykutty Francis
Working President

Acc:-

1. Government order - G.O.(Ms)No.4/2022/POWER, dated 21.04.2022
2. Copy of RI Act application dated 21.02.2022
3. Copy of reply from CEA New Delhi, dated 28.03.2022 under RI Act
4. Copy of relevant pages 9,10 of CEA regulation 2022 draft.
5. Copy of order on appeal received from CEA New Delhi, dated 18.7.2022