

**KERALA ELECTRICITY EMPLOYEES' CONFEDERATION
INTUC**



(Reg. No. 01-14/87 - Aff. 10485)

V.P MARAKKAR SMARAKA MANDIRAM
AMBUVILASOM ROAD, THIRUVANANTHAPURAM - 695 001

E-mail : keecintuchq@gmail.com, Web: www.intuckeec.com



PATRON K. MURALEEDHARAN M.P	PRESIDENT K.P DHANAPALAN Ex.M.P 9447083300	WORKING PRESIDENT Adv. SIBYKUTTY FRANCIS 9447303578	GENERAL SECRETARY NAZEER.M 9447241503
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No. KEEC/GL/2024/76

തിരുവനന്തപുരം
20.09.2024

സ്വീകർത്താവ്

ബഹു. ചീഫ് പേഴ്സണൽ ഓഫീസർ
കേരള സ്റ്റേറ്റ് ഇലക്ട്രിസിറ്റി ബോർഡ് ലിമിറ്റഡ്
വൈദ്യുതിഭവനം, പട്ടം
തിരുവനന്തപുരം


സർ,


വിഷയം : ബഹു. ഹൈക്കോടീ വിധി ലംഘനം അന്വയികൃത സംഘടനാ പ്രൊട്ടക്ഷൻ സംബന്ധിച്ച്.


- സൂചന : 1. ബഹു. ഹൈക്കോടീ വിധി
2. പ്രൊട്ടക്ഷൻ ലിസ്റ്റ് പ്രസക്ത പേജ്
3. വൈദ്യുതി ഭവന്റെ മൂന്നിൽപ്രദർശിപ്പിച്ചിരിക്കുന്ന Flex ബോർഡ് ഫോട്ടോ

ബഹു.ഹൈക്കോടീ വിധി ഉത്തരവ് സൂചന 1 പ്രകാരം അംഗീകാരമുള്ള യൂണിയൻ പ്രൊട്ടക്ഷൻ മറിച്ച് നൽകുന്നതിനെ തടയപ്പെട്ടിട്ടുണ്ട്. എന്നാൽ 2024 ലെ പ്രൊട്ടക്ഷൻ ലിസ്റ്റിലെ ഓവർസിയർ Item No. 22 Shiju.K, Emp.code-1060844 അംഗീകാരമുള്ള യൂണിയനിലെ അംഗമല്ലായെന്നുള്ളത് സ്പഷ്ടമായിട്ടും അദ്ദേഹത്തിന് ജനറൽ ട്രാൻസ്ഫർ 2024 ൽ ആവശ്യപ്പെട്ട സെക്ഷനിലേക്ക് ട്രാൻസ്ഫർ നൽകി യൂണിയൻ പ്രൊട്ടക്ഷൻ ലിസ്റ്റിലെ പ്രസക്തമായ പേജ് സൂചന 2 ഇതൊന്നിച്ച് വയ്ക്കുന്നു. മേൽ വ്യക്തിയുടെ ഫോട്ടോ മറ്റൊരു സംഘടനയുടെ Flex ബോർഡിൽ ആ സംഘടനയുടെ ജില്ലാ സെക്രട്ടറി എന്നാണ് എഴുതി ചേർത്തിരിക്കുന്നത്. പ്രസ്തുത Flex ബോർഡ് വൈദ്യുതി ഭവന്റെ മൂന്നിൽ Chairman & Managing Director, Chief Engineer (HRM), Chief Personnel officer തുടങ്ങിയവരുടെ മൂന്നിൽ തന്നെയാണ് പ്രദർശിപ്പിച്ചിരിക്കുന്നത്. അതിന്റെ ഫോട്ടോയും ഇതിനൊപ്പം വയ്ക്കുന്നു (സൂചന 3) ആയതിനാൽ മുകളിൽ പറഞ്ഞ പ്രൊട്ടക്ഷൻ പുനഃപരിശോധിക്കണമെന്നും ഹൈക്കോടീ വിധിക്കെതിരായിട്ട് കാര്യങ്ങൾ നടന്നിട്ടുണ്ടെങ്കിൽ നടപടിയെടുക്കണമെന്നും അഭ്യർത്ഥിക്കുന്നു.

വിശ്വസ്തതയോടെ,


കെ.പി.ധനപാലൻ Ex.MP
പ്രസിഡന്റ്


അഡ്വ.സിബികുട്ടി ഫ്രാൻസിസ്
വർക്കിംഗ് പ്രസിഡന്റ്


നസീർ.എം
ജനറൽ സെക്രട്ടറി

WP(C) Nos.14656 & 21777 of 2023



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

WEDNESDAY, THE 22ND DAY OF MAY 2024 / 1ST JYAISHTA, 1946

WP(C) NO. 21777 OF 2023



PETITIONER:

KERALA ELECTRICITY EMPLOYEES CONFEDERATION (INTUC)
REGISTRATION NO.01 - 04/87, AFFILIATION NO.10485, V.P.
MARAKKAR SMARAKA MANDIRAM, AMBUJAVILASOM ROAD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS GENERAL
SECRETARY., PIN - 695001

BY ADV G.S.REGHUNATH

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY, SECRETARIAT,
POWER DEPARTMENT, THIRUVANANTHAPURAM,, PIN - 695001
- 2 KERALA STATE ELECTRICITY BOARD LTD
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR,
VYDUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM, PIN -
695004
- 3 THE LABOUR COMMISSIONER
THOZHIL BHAVAN, VIKAS BHAVAN, THIRUVANANTHAPURAM, PIN
- 695033
- 4 K.S.E.B. WORKERS ASSOCIATION (CITU),
BTR MEMORIAL BUILDING, THAMPANOR, THIRUVANANTHAPURAM,
PIN - 695001
- 5 THE CHIEF PERSONNEL OFFICER
(SPECIAL OFFICER, REFERENDUM), KERALA STATE
ELECTRICITY BOARD LTD, VYDUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM,, PIN - 695004

BY ADVS.

GOVERNMENT PLEADER SMT.K B SONY
ANTONY MUKKATH
SRI B PRAMOD, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22.05.2024, ALONG WITH WP(C).14656/2023, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

M.A ABDUL HAKHIM, J

WP(C) Nos.14656 & 21777 of 2023

Dated this the 22nd May, 2024

JUDGMENT

1. The petitioners in these two writ petitions are Trade Union having the employees of the Respondent No.1 as its members. Since the impugned orders in both these writ petitions are one and the same both these writ petitions are considered together. WP(C) No.14656/2023 is treated as the leading case, since the respondents 1 to 3 have filed counter affidavit in the said writ petition. The parties are referred according to their status in WP(c) 14656/2023.
2. The brief facts are: Ext.P7 is the Guidelines for general transfer of employees issued by the Respondent No.1. Clause (VII) in Ext.P7 deals with protection from transfer. It provides that protection from transfer will be given to recognized general Trade Union at 1% of the workmen employed in the entire establishment of the 1st respondent subject to a maximum of 100. It also provided that membership of the unions will be verified from time to time in a Referendum as prescribed for the purpose. The last Referendum was conducted on 28.04.2022 and out of

the seven participating Trade Unions, the Respondent No.6 alone secured the minimum 15% votes required for the recognition of Trade Union as mandated under Proviso to Section 5(4) of the Kerala Recognition of Trade Union Act, 2010. The Respondent No.6 secured 53.42% of the total votes polled whereas the other six Trade Unions could secure less than 15% of the total votes polled. The Registrar of Trade Unions certified the Respondent No.6 alone as the recognized Trade Union. Consequently the 100% of the transfer protection is available to the Respondent No.6 alone for nominating its members for protection from transfer. Though the Respondent No.6 is entitled to get 100% of the 100 Nos. of employees reserved for transfer protection, with respect to the year 2023 the Respondent No.6 submitted that it intended to limit the protection from transfer only to 80 employees and requested to give the balance 20 Nos. to three other trade unions - KEWF(AITUC)- 15 Nos, INTUC- 4 Nos and BMS- 1 Nos. On the basis of such request the Respondent No.4 passed Ext.P11 order recommending protection from transfer of 100 employees listed therein with respect to the general transfer of the year 2023. On the basis of Ext.P11 recommendation the Chairman and the Managing Director of the

Respondent No.1 passed Ext.P13 order accepting the recommendation.

It is Ext.P11 and P13 that are impugned in these writ petitions.

3. Respondents Nos. 1 to 3 have filed a Counter Affidavit dated 19.07.2023 opposing the prayers in the writ petition. The petitioner filed a Reply Affidavit dated 05.08.2023 controverting the averments in the Counter Affidavit filed by the Respondent Nos.1 to 3.
4. Though notice was served on Respondent No.6 there is no appearance.
5. Heard Sri. G.S Reghunath counsel for the petitioner in WP(C) No.21777/2023 and Sri. Deepulal Mohan, Counsel for the petitioner in WP(C) No.14656/2023 and Sri Antony Mukkath, who appeared for the respondents No.1 to 4.
6. Though the counsels for the petitioners raised various grounds challenging the impugned orders, as rightly pointed out by the Counsel for Respondents Nos.1 to 4, the impugned orders are with respect to the general transfer of the year 2023 and the same is already implemented and hence the challenge against the same cannot be sustained now.
7. Counsel for the petitioners submitted that if the grounds raised by them are not considered, the same illegalities will be committed in the coming years also with respect to the general transfer based on the very same Referendum. The petitioners have no quarrel with respect to the

Referendum conducted on 28.04.2022 and the percentage of votes secured by each of the participating Trade Unions. They have no quarrel with respect to the facts that on account of the votes secured by the Trade Unions in the Referendum, Respondent No.6 alone is recognised and that consequently, the Respondent No.6 alone is entitled to get the total 100 Nos. reserved for protection from transfer. But according to them if the Respondent No.6 relinquishes any part of their entitlement the utilization of such relinquished part is to be decided by the respondent No.1 and is not to be done as per the dictation of the Respondent No.6. They added that the Respondent No.6 has no right to select from among the other trade Unions or from the members of other Trade Unions for distributing the numbers relinquished by it. I find force in the said submission since going by Clause VII in Ext.P7 General Guidelines for Transfer, the recognized Trade Union can nominate only its members for protection from transfer. There is no provision enabling the recognized Trade Union to nominate members of any other Trade Union. That apart, it is for the other Trade Unions to sponsor their members for protection from transfer.

8. Though I find that the challenge against the impugned orders have become infructuous, in view of the declaratory reliefs sought by the

petitioner in WP(C) 14656/2023, I dispose this Writ Petition holding that in the coming years in case a recognized Trade Union relinquishes a part of its entitlement for protection from transfer, the utilization of such relinquished part is a matter to be decided by the Respondent No.1 in accordance with law and the recognized Trade Union who relinquished has no say in the matter of utilization of the part relinquished by it.

The above writ petitions are disposed of accordingly.

SD/-

M.A Abdul Hakhim, Judge

jma

APPENDIX OF WP(C) 21777/2023

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE REGISTRATION CERTIFICATE
- Exhibit P2 TRUE COPY OF ORDER DATED 4.3.2016 ISSUED BY THE 4TH RESPONDENT
- Exhibit P3 TRUE COPY OF THE GENERAL TRANSFER ORDER PUBLISHED ON 2.7.2022 ISSUED BY THE 4TH RESPONDENT
- Exhibit P4 TRUE COPY OF THE LETTER DATED 13-04-2023 GIVING 80 PROTECTION TO THE 4TH RESPONDENT
- Exhibit P5 TRUE COPY OF THE GUIDELINES DATED 27-02-2023 FOR TRANSFER
- Exhibit P6 TRUE COPY OF THAT REPRESENTATION DATED 22.05.2023 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT
- Exhibit P7 TRUE COPY OF THAT ORDER DATED 27-05-2023 ISSUED BY THE 2ND RESPONDENT

TRUE COPY

Examiner



HIGH COURT OF KERALA
AT ERNAKULAM

**Year and Number
of Suit or other
Proceedings** : WP(C) 21777 / 2023

**Name of
Applicant/Advocate** : G.S.RAGHUNATH

**Application
Number** : A 15251/2024

Application Date : 24-05-2024

**Date of Calling for
Stamp** : 10-06-2024

**Date of Production
of Stamp** : 10-06-2024

**Date When copy
was Ready** : 10-06-2024

**Date Notified for
appearance to
receive the copy** : 18-06-2024

**Date when copy
was delivered** : 10/06/2024

Examiner

Name	Profile	Service	Salary	PF,WF,IT,NPS	Submissions	Transfer-2024	Admin
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PROTECTIONS VIEW

NAZEER M logged in to Personnel Services - (Self) Group Self

CADRE STREAM -- Overseer (Electrical)

PROTECTION GIVEN - TRANSFER YEAR - 2024

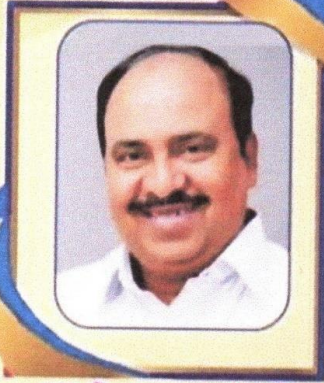
Sl.No	Employee Code	Employee Name	From Office	Protection Type	Destination Office	Entry Status
1	1055976	ANIL KUMAR A	Electrical Section Vallikunnam	Workmen-Recognised Trade Union Protection	Electrical Section Vallikunnam	Approved
2	1047920	ANIL KUMAR C	Electrical Section Madavoor	Workmen-Recognised Trade Union Protection	Electrical Section Nalanchira	Approved
3	1053216	ANIL KUMAR S	Electrical Section Kulathur	Workmen-Recognised Trade Union Protection	Electrical Section Sreekariam	Approved
4	1054846	BIJOY A	Electrical Section Kondotty	Workmen-Recognised Trade Union Protection	Electrical Section Mundakkulam	Approved
5	1061554	GRINEESH P K	Electrical Section Thalassery North	Workmen-Recognised Trade Union Protection	Electrical Section Thalassery South	Approved
6	1057773	HUSAIN C K	Transformer Maintenance Sub Division Moolamattom	Workmen-Recognised Trade Union Protection	Transformer Maintenance Sub Division Moolamattom	Approved
7	1056840	JAYAMON V R	Electrical Section Kurichy	Workmen-Recognised Trade Union Protection	Electrical Section Kottayam (C)	Approved
8	1051316	KRISHNA KUMAR M	Electrical Section Mannarkkad	Workmen-Recognised Trade Union Protection	Electrical Section Mannarkkad	Approved
9	1050672	LALU M R	Electrical Section Kodungallur Noll	Workmen-Recognised Trade Union Protection	110 KV Substation, Kodungallur	Approved
10	1053535	LEESH C L	Electrical Section Palarivattom	Workmen-Recognised Trade Union Protection	Electrical Section Palarivattom	Approved
11	1053102	MANOJ R	Electrical Section Peringamala	Workmen-Recognised Trade Union Protection	Electrical Section Peringamala	Approved
12	1043761	MUHAMED IKBAL P	Line Maintenance Section No.2 Kalamassery	Workmen-Recognised Trade Union Protection	Line Maintenance Section No.2 Kalamassery	Approved
13	1061125	NISHAJ M M	110 KV Substation, Chemperi	Workmen-Recognised Trade Union Protection	Electrical Section Payyavur	Approved
14	1040111	PRAMODAKUMARAN L	Electrical Section Peringottukurissi	Workmen-Recognised Trade Union Protection	Electrical Section Peringottukurissi	Approved
15	1052611	PRAMOD POOLAYULLAKANDY	110 KV Substation, Meppayur	Workmen-Recognised Trade Union Protection	110 KV Substation, Meppayur	Approved
16	1052213	RAJESH KUMAR V	Electrical Section Kattakada	Workmen-Recognised Trade Union Protection	Electrical Section Thycaud	Approved
17	1060770	RAJESH V C	Electrical Section Champakulam	Workmen-Recognised Trade Union Protection	Electrical Section Alappuzha (Town)	Approved
18	1057530	SANAL KUMAR K	Electrical Section Puthenchantha	Workmen-Recognised Trade Union Protection	Electrical Section Puthenchantha	Approved
19	1052778	SANJAYNATH V	Electrical Section Cherthala	Workmen-Recognised Trade Union Protection	Electrical Section Cherthala	Approved
20	1056419	SANTHOSH L	Electrical Section Karunagappally(S)	Workmen-Recognised Trade Union Protection	Electrical Section Karunagappally(S)	Approved
21	1047577	SHAFEEK A	Electrical Section Kottiyam	Workmen-Recognised Trade Union Protection	Electrical Section Kottiyam	Approved
22	1060844	SHIJU K	Electrical Section Alathiyoor	Workmen-Recognised Trade Union Protection	Electrical Section Aryanad	Approved
23	1056474	SIDDIQ AM	Electrical Section Ayyanthole	Workmen-Recognised Trade Union Protection	Electrical Section Ayyanthole	Approved
24	1053071	THOMAS JOHN	Electrical Section Changanacherry	Workmen-Recognised Trade Union Protection	Electrical Section Changanacherry	Approved
25	1053198	UNNIKRISHNAN C V	Electrical Section Feroke	Workmen-Recognised Trade Union Protection	Electrical Section Beach Kozhikode	Approved
26	1047271	VINU D	Electrical Section Attingal	Workmen-Recognised Trade Union Protection	Electrical Section Attingal	Approved
27	1049549	WINSANT MATHEW	Electrical Section Kottathara	Workmen-Recognised Trade Union Protection	220KV Sub Station Kanjikode Palakkad	Approved
28	1056571	XAVIER BLJU K A	66 KV GIS Substaion, Fort Kochi	Workmen-Recognised Trade Union Protection	Electrical Section Thoppumpady	Approved

BACK



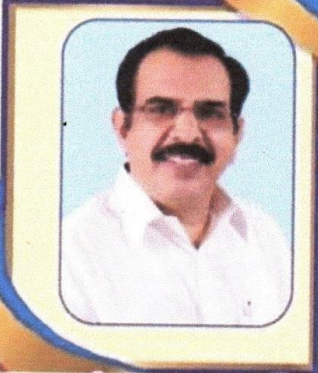
കേരള പവർ വർക്കേഴ്സ് കോൺഗ്രസ്സ് INTUC സംസ്ഥാന ഭാരവാഹികളായി തിരഞ്ഞെടുക്കപ്പെട്ടവർ

പ്രസിഡന്റ്



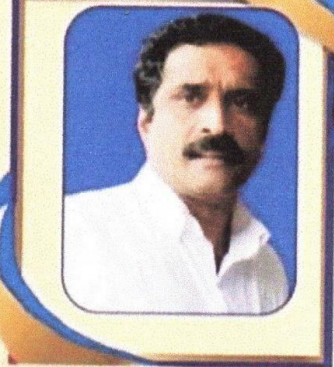
ആർ. ചന്ദ്രശേഖരൻ

ജനറൽ സെക്രട്ടറി



വി. ജെ. ജോസഫ്

INTUC സംസ്ഥാന സെക്രട്ടറി



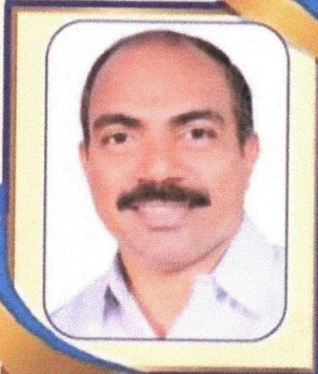
പ്രതീപ് നെയ്യാറ്റിൻകര

വർക്കിംഗ് പ്രസിഡന്റ്



അലി അരയ്ക്കപ്പടി

അസിസ്റ്റന്റ് സെക്രട്ടറി



ആർ. എസ്. വിനോദ് മണി

ട്രഷറർ



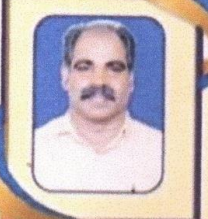
എസ്. താജുദ്ദീൻ

മെമ്പർ പ്രസിഡന്റ്



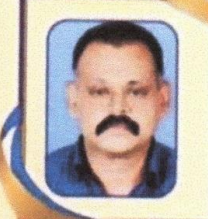
ഡി. ഷുബ്ലിഖ
മെമ്പ്ലന്റ് മെമ്പർ

ജോയിന്റ് സെക്രട്ടറി



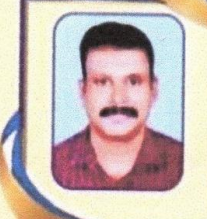
പി. പ്രദീപ്

ഓർഗനൈസിംഗ് സെക്രട്ടറി



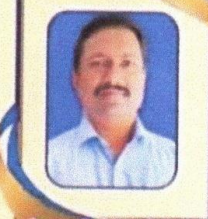
എസ്. ആർ. സുരേഷ്കുമാർ

ഓർഗനൈസിംഗ് സെക്രട്ടറി



കെ. എസ്. കലേഷ്
മെമ്പ്ലന്റ് മെമ്പർ

ഓർഗനൈസിംഗ് സെക്രട്ടറി



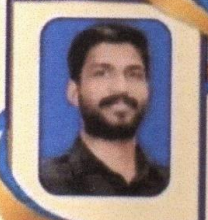
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മെമ്പ്ലന്റ് മെമ്പർ

ഓർഗനൈസിംഗ് സെക്രട്ടറി



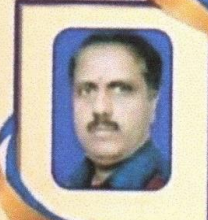
എസ്. സുഹാഷ് ഷാഹി

ഓർഗനൈസിംഗ് സെക്രട്ടറി



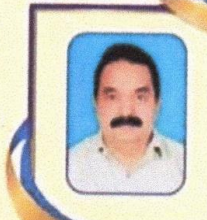
ആർ. രശ്മിഷ്
മെമ്പ്ലന്റ് മെമ്പർ

വർക്കിംഗ് കമ്മിറ്റി മെമ്പർ



ആർ. ഷിബു
മെമ്പ്ലന്റ് മെമ്പർ

ഫിലാ വർക്കിംഗ് പ്രസിഡന്റ്



സി. അനീൽകുമാർ

ഫിലാ സെക്രട്ടറി



കെ. ഷിബു