

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 4318 of 2009 (L)

PETITIONER(S):

**ROSY FELIX, HOUSE NO. XVI/348,
RAMESWARAM CANAL LANE (SOUTH), KARUVELIPPADY, KOCHI -5
ERNAKULAM.**

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENT(S):

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDHUBHAVAN, PATTOM
THIRUVANANTHAPURAM.**
- 2. THE CHIEF ENGINEER, HRM, KERALA STATE
ELECTRICITY BOARD, VYDHUBHAVAN, PATTOM
THIRUVANANTHAPURAM.**
- 3. EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, MATTANCHERY, ERNAKULAM.**

**R,R 1&2 BY ADV. SRI. ASOK M.CHERIYAN, SC, KSEB
R,R1-3 BY ADV. SRI.K.S.ANIL, SC, KSEB
R1-R3 BY ADV. SRI.PULIKOOL ABUBACKER, SC, KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 4318 of 2009 (L)

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1: TRUE COPY OF THE EXTRACT OF INDUCTION LIST DATED 19.5.88.
- EXT. P2: TRUE COPY OF THE REPRESENTATION DATED 7.8.2006.
- EXT. P3: TRUE COPY OF THE REPRESENTATION DATED 15.6.2008.
- EXT. P4: TRUE COPY OF THE REPRESENTATION DATED 05.5.2008.
- EXT. P5: TRUE COPY OF THE ORDER NO. ESST.G1.II/WP. NO.20444/08 DATED 20.10.2008.

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

PA. TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.4318 of 2009 - L

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Dated this the 15th day of September, 2015

J U D G M E N T

The petitioner is aggrieved by the fact that the petitioner's service record show her as Junior Assistant on her entry into the K.S.E.B, while an Arbitrator appointed by this Court found her designation to be Senior Assistant on her absorption to the K.S.E.B, as is evidenced at Ext.P1.

2. The petitioner was appointed as a Clerk w.e.f 01.08.1970 in the erstwhile Cochin Electricity Company Pvt. Ltd. The petitioner was also granted a promotion in that company to the post of Junior Superintendent. When the K.S.E.B took over the said company, the petitioner was inducted into the service of the K.S.E.B as a Senior Assistant. The petitioner on an apprehension that her third grade promotion would be declined for reason of her being shown as Junior Assistant in the Service

Book, filed a representation before the authorities under the K.S.E.B. The same was answered by Ext.P5, in which the operative portion is extracted hereunder:-

It is found that Smt.Rosey Felix had commenced her services as a clerk with effect from 01.08.1970 in the former Cochin Electricity Company Private Limited and had been promoted to the post of Junior Superintendent in the Cochin Electricity Company, thereafter she was absorbed into the post of Senior Assistant, which is a promotion post in K.S.E.Board. Subsequently she was granted grade promotion with effect from 12.11.1989 FN as recorded in Page 17 of the Service Book. Finally third higher grade promotion was granted to her with effect from 01.08.1995 (as per Page 31 of Service Book) on completion of 25 years of service from the date of entry (ie., 01.08.1970) in Cochin Electricity Private Limited. Hence the guaranteed 3 promotion/grade promotion in the long term settlement within a period of 25 years from the date of entry in service is seen granted to her and the pay had been fixed accordingly. Hence all the promotion/grade promotion granted to her was in order.

3. Hence, the Board accepts the fact that the petitioner was inducted into the service as a Senior Assistant and was granted second grade promotion in the year 1989 and the

third grade promotion in the year 1995. The counter affidavit of the Board also shows that the service records have been corrected. In such circumstance, the petitioner's promotion having been made in accordance with her induction as a Senior Assistant, no further benefits could be given to her. The correction of the service records also has been made by the Board.

The writ petition hence would stand dismissed as infructuous.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.