

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 23854 of 2005 (M)

PETITIONER(S):

V.A.SHAHUL HAMEED
S/O.V.M.ABDUKUTTY HAJEE, AGED 57 YEARS
EXECUTIVE ENGINEER (RETD), KERALA STATE
ELECTRICITY BOARD, (RESIDING AT VALIYARA HOUSE
P.O.EDAVILANGU, KODUNGALLUR-680 671
THRISSUR DISTRICT).

BY ADVS.SRI.V.A.MUHAMMED

RESPONDENT(S):

1. STATE OF KERALA
BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF POWER
SECRETARIAT, TRIVANDRUM.
2. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN
TRIVANDRUM.
3. THE CHIEF ENGINEER (H.R.M),
VYDYUTHI BHAVAN, KERALA STATE ELECTRICITY, BOARD
TRIVANDRUM.

R1 BY GOVERNMENT PLEADER SMT SUNITHA VINOD
R,R2,R3 BY ADV. SRI.K.S.ANIL, SC, KSEB
R,R2 & 3 BY ADV. SRI. ASOK M.CHERIYAN, SC, KSEB
R,R2 & 3 BY ADV. SRI.PULIKOOL ABUBACKER, SC, KSEB

R BY SRIJOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 23854 of 2005 (M)

APPENDIX

PETITIONERS EXHIBITS:

-

- EXT.P1 : TRUE COPY OF THE REQUEST OF THE PETITIONER
- EXT.P2 : TRUE COPY of the ORDER NO. EB1/G1/99 OF THE BOARD
- EXT.P3 : TRUE COPY of the B.O. NO. 424/92//ESTT. IV/1960/91) OF THE BOARD
- EXT.P4 : TRUE COPY of the B.O NO.648/96/SC/LTS/OPR/95 OF THE BOARD
- EXT.P5 : TRUE COPY of the CIRCULAR NO. ix/PAY REVISION 1993 OF-DO-
- EXT.P6 : TRUE COPY of the G.O (P) NO. 705/81/372 FIN OF THE GOVT.
- EXT.P7 : TRUE COPY OF THE DECISION REPORTED IN 2004 AIR SCW 1399
- EXT.P8 : TRUE COPY OF THE JUDGMENT IN OP NO. 16426/1999 E
- EXT.P9 : TRUE COPY THE REPRESENTATION SUBMITTED BEFORE THE CHIEF SECRETARY TO GOVERNMENT
- EXT.P10 : TRUE COPY OF THE G.O RT NO. 641/04/PD OF THE GOVT
- EXT.P11 : TRUE COPY OF THE DECISION REPORTED IN 2004(2) KLT 190
- EXT.P12 : TRUE COPY OF THE G.O MS. NO. 191/77/H EDN. OF THE GOVT.
- EXT.P13 : TRUE COPY of the G.O P NO. 670/79/FIN. OF THE GOVT.
- EXT.P14 : TRUE COPY OF THE B.O. NO.424/92/ESTT.IV/1960/91 OF THE BOARD
- EXT.P15 : TRUE COPY OF THE B.O. NO. 671/2001/ESTT.V-6469/99 OF THE BOARD

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

P.A. TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 23854 of 2005

Dated this the 09th day of December, 2015

J U D G M E N T

The petitioner entered service as Lineman in the Kerala State Electricity Board on 27.11.1974. Later on 04.03.1976, he joined as Assistant Electrical Inspector in the Department of Electrical Inspectorate, under the Government. The petitioner continued under the Government Service till 30.12.1980. When he applied for and got appointment as Assistant Engineer in the Kerala State Electricity Board, the petitioner joined duty on 31.12.1980.

2. In the present writ petition petitioner claims higher grade on 4.3.1986 since the Assistant Electrical Inspector in the Department of Electrical Inspectorate and the Assistant Engineer in Kerala State Electricity Board have the same scales of pay. The

petitioner contends that he had been granted pension reckoning the entire service in the Electricity Board and Government and hence he is also entitled to higher grade on completion of ten years in the same post on 04.03.1986.

3. At the outset it is to be noticed that the petitioner has raised such claim after his retirement in the year 2005, by the aforesaid writ petition. Further it is also to be noticed that higher grade is a incentive granted to the employees who were continued in a particular designation for long periods, which has the effect of stagnation; after having reached the maximum in the scale of pay available to the particular designation. It is to mitigate the hardship caused to such employees who were denied promotion, for long years that the benefit of higher grade is conferred.

4. The petitioner is not entitled to such benefit, especially for the reason that it is not as if the petitioner was denied promotion for ten years, but the petitioner voluntarily

resigned from his service with the Government and joined the Kerala State Electricity Board, which cannot be said to be an instance of stagnation.

For all the above reasons, the petitioner's claim is found to be devoid of merit and the writ petition is dismissed. No costs.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge