

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 17311 of 2015 (L)

PETITIONER(S):

**PANNEER SELVAM, AGED 49 YEARS,
ASSISTANT ENGINEER, KERALA STATE ELECTRICITY BOARD,
ELECTRICAL DIVISION, PEERMEDU, IDUKKI DISTRICT-685531
RESIDING AT D2 QUARTERS, 66 K.V.SUBSTATION COLONEY
PEERMEDU, IDUKKI DISTRICT.**

**BY ADVS.SRI.P.M.PAREETH
SMT.SONIA GEORGE**

RESPONDENT(S):

- 1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VIDYUTHI BHAVANAM
PATTOM, THIRUVANANTHAPURAM-695001.**
- 2. CHIEF ENGINEER (HRM)
KERALA STATE ELECTRICITY BOARD, VIDYUTHI BHAVANAM
PATTOM, THIRUVANANTHAPURAM-695001.**
- 3. DEPUTY CHIEF ENGINEER
ELECTRICAL CIRCLE, KERALA STATE ELECTRICITY BOARD
THODUPUZZHA, IDUKKI DISTRICT-685584.**
- 4. EXECUTIVE ENGINEER
KERALA STATE ELECTRICITY BOARD, ELECTRICAL DIVISION
PEERMEDU, IDUKKI DISTRICT-685531.**
- 5. V.A.ASHRAF
EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD
ELECTRICAL DIVISION, PEERMEDU, IDUKKI DISTRICT-685531.**

R1-R3 BY ADV. SRI.K.S.ANIL, SC, KSEB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: A TRUE PHOTOCOPY OF THE TRANSFER ORDER DATED 6.12.12.

EXHIBIT-P2: A TRUE PHOTOCOPY OF THE INTERIM ORDER DATED 20.12.12 IN W.P.(C) NO.31089/12.

EXHIBIT-P3: A TRUE PHOTOCOPY OF THE JUDGMENT DATED 6.1.15 IN W.P.(C) NO.280/15.

EXHIBIT-P4: A TRUE PHOTOCOPY OF THE SUBMISSION DATED 13.5.15 BEFORE THE 4TH RESPONDENT.

EXHIBIT-P5: A TRUE PHOTOCOPY OF THE SHOW CAUSE NOTICE DATED 18.5.15 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXHIBIT-P6: A TRUE PHOTOCOPY OF THE LETTER DATED 22.5.15 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXHIBIT-P7: A TRUE PHOTOCOPY OF THE REPLY DATED 23.5.15 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

EXHIBIT-P8: A TRUE PHOTOCOPY OF THE LETTER DATED 30.5.15 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXHIBIT-P9: A TRUE PHOTOCOPY OF THE PAY SLIP FOR APRIL 15 AND MAY 15.

EXHIBIT-P10: A TRUE PHOTOCOPY OF THE ORDER OF SUSPENSION DATED 3.6.15 ISSUED BY THE 3RD RESPONDENT AND RECEIVED BY THE PETITIONER AT 3.45 P.M. ON 4.6.15.

RESPONDENT(S)' EXHIBITS

EXHIBIT-R3(A): COPY OF THE B.O. DATED 26.11.1997.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.17311 OF 2015 (L)

Dated this the 22nd day of July, 2015

J U D G M E N T

The petitioner, who is working as Assistant Engineer at Electrical Division under the 1st respondent Kerala State Electricity Board, is aggrieved by Ext.P10 order of suspension that was served on him by the 3rd respondent in connection with disciplinary proceedings that have been initiated against the petitioner. The averments in the writ petition indicate that the primary ground of challenge against the order of suspension is that the 3rd respondent, who issued the suspension order, is not competent to issue the same. It is principally on this ground that the suspension order is challenged in the writ petition.

2. In a counter affidavit filed on behalf of the 3rd respondent, Ext.R3(a) order of the Board dated 26.11.1997 is produced to show that, as per the rules regarding delegation of powers to the officers of the Kerala State Electricity Board, the 3rd respondent does indeed have the power to issue a transfer order in the nature of Ext.P10. Although the petitioner has filed a reply affidavit to the said counter

affidavit filed by the 3rd respondent, this aspect with regard to competency of the 3rd respondent to issue the suspension order, is not specifically dealt with.

On a query with counsel for the respondent Board, it is submitted that the disciplinary proceedings against the petitioner can be completed with a period of three months from today. Accordingly, taking note of the said submission, I dispose the writ petition with a direction to the 3rd respondent to complete the disciplinary proceedings, against the petitioner, within a period of three months from the date of receipt of a copy of this judgment, after hearing the petitioner and complying with a fair procedure. I also make it clear that it will be open to the petitioner to approach the respondent Board, after the disciplinary proceedings have reached a stage where a re-instatement of the petitioner cannot prejudice the ongoing enquiry, with a request for reinstatement in service. If the petitioner prefers a representation, then the respondent Board shall consider the same, and pass orders in accordance with law.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp