

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 36592 of 2003 (F)

PETITIONER(S) :

V. BHAGAVATHY AMMAL,
RETIRED SENIOR SUPERINTENDENT,
ELECTRICAL CIRCLE, (URBAN),
TRIVANDRUM
T.C. 28/2000, RAMASWAMY KOVIL STREET,
FORT, TRIVANDRUM - 695 023

BY ADV. SRI.T.K.ANANDA PADMANABHAN

RESPONDENT(S) :

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHYUTHI BHAVAN, PATTOM PALACE P.O.
TRIVANDRUM
2. CHIEF ENGINEER (HRM)
KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, PATTOM PALACE P.O.
TRIVANDRUM
3. KUNJACHAN, SENIOR SUPERINTENDENT (RETD)
KADANCHIRAYIL HOUSE, KOLLADU P.O.
KOTTAYAM

BY SRI.P.SANTHALINGAM, SC, KSEB
ADV. B. PRAMOD FOR R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 09-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 36592 of 2003 (F)

APPENDIX

PETITIONER'S EXTS:

EXT.P1: A COPY OF THE PAGE NO. 76 OF THE
GRADATION LIST

EXT.P2: A COPY OF THE REPLY DATED 24-03-
2000 ISSUED BYT EH IST RESPONDENT

EXT.P3: COPY OF THE APPEAL DATED 5-5-2000
SUBMITTED BEFORE THE CHAIRMAN, ELECTRICITY
BOARD

EXT.P4: COPY OF THE REPLY NO. ESTT-
III/3764/97 DATED 18-7-2000 FROM THE IST
RESPONDENT

EXT.P5: COPY OF THE REPRESENTATION DATED
18-6-2001 OF THE PETITIONER TO THE IST
RESPONDENT

EXT.P6: COPY OF THE ORDER DATED 25-08-2003
ISSUED BY THE IST RESPONDENT

A.M. SHAFFIQUE, J.

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W.P. (C) No. 36592 of 2003 - F
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Dated : 9th March, 2015

JUDGMENT

Petitioner challenges Exts. P4 and P6 by which her claim for Grade Promotion in the pay scale of Accounts Officer was granted only with effect from 6-7-1997, i.e. the date on which she completes 25 years service in the post of Senior Assistant.

2. The facts involved in the Writ Petition would disclose that the petitioner retired from service as Senior Superintendent on 30-11-1997, after having entered into service as Assistant Gr. II on provisional basis in the erstwhile Board Secretariat Establishment on 24-11-1964. She was regularised by the Board on 30-09-1966 with effect from date of her appointment. She was promoted as Assistant Gr. I (Senior .Assistant) on 6-7-1972 which

was regularised on 19-08-1972. Thereafter, she was promoted as Junior Superintendent on 23-07-1987 with effect from 1-3-1987 and as Superintendent on 29-5-1989 and as Senior Superintendent on 16-09-1991.

3. In the year 1981, Kerala State Electricity Board ordered integration of Board Secretariat Service with General Service and a final gradation list was published on 14-1-1981. Petitioner was ranked as 370 and third respondent was ranked as 372. According to the petitioner, 3rd respondent who retired from service as Senior Superintendent, was drawing a basic pay of Rs. 5725/- and a basic pension of Rs. 2707/- with effect from 1-7-1977 whereas the petitioner was drawing a pay of Rs. 5265/- and her pension has been fixed at Rs. 2633/-. Pointing out the infirmity, the petitioner had approached the establishment which resulted in Ext. P4 and thereafter in Ext. P6. In Ext. P6, it was observed that the 3rd respondent was given test exemption promotion as Upper Division Clerk with effect from 25-1-1972 and

he was doing the assigned work of Upper Division Clerk from that date. Though he was junior to the petitioner, Third Higher Grade promotion was granted to him from the date of his assuming charge as Upper Division Clerk. It is, therefore, clear that there is a marked distinction between the service of the petitioner as well as the 3rd respondent and there was sufficient reason for fixing the eligibility for grade promotion for the petitioner in the pay scale of Accounts Officer with effect from 6-7-1997. It was mentioned that the claim for retrospective exemption promotion cannot be granted in the matter.

Having regard to the aforesaid factual situation, I do not think that there is any merit in this Writ Petition, Accordingly this Writ Petition is dismissed.

Sd/- A.M. SHAFFIQUE
(Judge)

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P.S. to Judge