

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 27651 of 2014 (F)

PETITIONER:

P.G.PRASAD
WORKING PRESIDENT
KERALA ELECTRICITY EXECUTIVE STAFF ORGANISATION
(KEESO FOR SHORT)
KOMANA, AMBALAPUZHA P.O., ALAPPUZHA DISTRICT
PIN-688561.

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.M.R.JAYAPRASAD
SRI.ANOOP.V.NAIR
SRI.SIDDHARTH KRISHNAN

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS CHAIRMAN, VYDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-695004.

2. THE CHIEF ENGINEER (H.R.M.)
KERALA STATE ELECETRICITY BOARD, VYDYUTHI BHAVAN
PATTOM, THIRUVANANTHAPURAM-695004.

R BY SRI.K.S.ANIL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT P1- TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 11-02-2013.

EXHIBIT P1(A)- ENGLISH TRANSLATION OF EXT. P1.

EXHIBIT P2- TRUE COPY OF THE REPRESENTATION FILED BEFORE THE FIRST
RESPONDENT DATED 7-10-2014.

EXHIBIT P2(A)- ENGLISH TRNASLATION OF EXT. P2.

EXHIBIT P3- TRUE COPY OF THE JUDGMENT DATED 23-10-2013 IN WPC NO.
10434/2013.

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.27651 of 2014F
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Dated this the 05th day of January, 2015

JUDGMENT

Petitioner is the Working President of Kerala Electricity Executive Staff Organization. Petitioner approached this Court on account of non implementation of clause relating to sanctioning of casual leave referred in long term settlement entered between the employees union and the Kerala State Electricity Board. Petitioner would submit that all the employees of the Board are eligible for 20 days casual leave in an year. However, no casual leave is sanctioned to the employees who are working on shift duty at Sub Stations. Therefore, petitioner submits that based on long term settlement, employees of the Sub Station are also eligible for casual leave. Petitioner made a representation by Ext.P1 before the 2nd respondent. On account of non consideration of Ext.P1 representation of the petitioner, the petitioner made another representation by way of Ext.P2 before the 1st respondent.

2. In this matter, a detailed counter affidavit has been filed on behalf of the second respondent. It is stated in paragraph 10 as follows:

It is to be noted that, the substations are very vital installations and cannot be run without sufficient staff. Generally four operators (Generally Assistant Engineer) and four Shift Assistants (Generally in the category of Overseer) are posted for shift duty in a substation. One Operator/Shift Assistant each will be on off duty every week (7 days in every 28 days). If an Operator/Shift Assistant intend to take a Casual Leave, then the only option to engage the shift in such cases is to arrange among other employees on shift duty. The work cannot be arranged through hiring from external sources since casual leave is not treated as absent from duty and his pay and allowances are not deferred. It will cause additional financial burden to the KSEB Limited which may also attract audit objections. Hence the Controlling Officers of the shift crew can sanction Casual Leave to the employees working under him only when sufficient staff is available in all the three shifts without causing hindrance to the operation of the substation. However, it is humbly submitted that if a little co-operation exists between the shift crew, this issue would not have arisen.

3. The Board is not against sanctioning casual leave as seen from the counter. The only concern of the Board is that it should not result in hindrance to the operation of the substation.

The Board submits that employees also should take note of the situation prevailing in the substations while applying for casual leave. In view of the fact that the Board has no aversion in implementing any clause relating to sanctioning casual leave based on long term settlement, I do not find that any further direction is required. However, employees also should take note of the situation in the substations while applying for casual leave. They should also bear in mind that it will not result in any hindrance to the operation of the substation. However, Board cannot arbitrarily deny casual leave. Therefore, keeping the interest of both, I am of the view, Board shall after adverting to the exigencies in the substation shall grant casual leave to the employees as and when request is made subject to situation prevailing at the substations.

The Writ Petition is disposed of.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.