

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 29424 of 2015 (C)

PETITIONER:

**ANIL KUMAR E.V.
SUB ENGINEER, KERALA STATE ELECTRICITY BOARD LTD.
ELECTRICAL SECTION, ANGADIPPURAM P.O.
MALAPPURAM DISTRICT.**

**BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.K.SUDHINKUMAR**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD LTD.
REPRESENTED BY ITS SECRETARY
VYDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-695 004.**
- 2. THE CHIEF ENGINEER (HRM)
KERALA STATE ELECTRICITY BOARD LTD.
VYDYUTHI BHAVAN
PATTOM, THIRUVANANTHAPURAM-695 004.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- | | | |
|--------|---|--|
| EXT.P1 | - | COPY OF THE PROMOTION ORDER ISSUED BY THE 2ND RESPONDENT DATED 21-03-2005. |
| EXT.P2 | - | COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 04-04-2012. |
| EXT.P3 | - | COPY OF THE REPRESENTATION FILED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 16-06-2014. |
| EXT.P4 | - | COPY OF THE FORWARDING LETTER WRITTEN BY THE EXECUTIVE ENGINEER DATED 19-06-2014. |
| EXT.P5 | - | COPY OF THE REPRESENTATION FILED BY THE PETITIONER DATED 11-08-2015. |
| EXT.P6 | - | COPY OF THE COVERING LETTER WRITTEN BY THE EXECUTIVE ENGINEER DATED 17-08-2015. |
| EXT.P7 | - | COPY OF THE LETTER GIVEN BY THE DIRECTOR, INDUSTRIES TRAINING DEPARTMENT DATED 04.03.2005. |

RESPONDENTS' EXHIBITS:-

- | | | |
|-----------|---|---|
| EXT.R2(A) | - | COPY OF THE LETTER DATED 16.06.2014. |
| EXT.R2(B) | - | COPY OF THE CERTIFICATE DATED 08.12.1987. |

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.29424 of 2015

Dated this the 12th day of November, 2015.

JUDGMENT

The petitioner is aggrieved with the promotion of one junior, while he, an admitted senior, was over-looked. Ext.P1 is said to be the seniority list and the petitioner figures as serial No.4, while the person at serial No.6, an admitted junior, was promoted as per Ext.P2.

2. The Counter Affidavit of the Board indicates in paragraph 6 that the petitioner was not considered for promotion along with his junior, since the Certificate indicating that, the course he has pursued included Industrial Electrician as specialisation, was produced only on 16.06.2014. A true copy of the letter dated 16.06.2014 is produced as Ext.R2(a) and the Certificate dated 08.12.1987 is produced as Ext.R2(b). It is to be noticed that the Certificate was already available with the Board. In fact Ext.P7

indicates that the Training Director of the Industrial Training Department of the Government of Kerala had in the year 2005 itself, by Ext.P7, informed the Chief Engineer (HRM) of the respondent Board that the trade, in which the petitioner has a Certificate, is equivalent to the qualification stipulated. Further, the petitioner was promoted as a Sub Engineer from the post of Meter Reader also on the basis of the very same qualification.

In such circumstance, it is only proper that the petitioner be promoted and assigned the date of promotion as that of his immediate junior. The petitioner shall be promoted subject to availability of the vacancies, however seniority shall be assigned from the date of promotion of his immediate junior.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/13/11/15