

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 32164 of 2014 (U)

PETITIONER(S):

SANTHOSH KUMAR K,
KONNIKAL HOUSE, MAYYATHANI, CHANDAKUNNU P.O.
NILAMBUR, MALAPPURAM.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD LIMITED,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR 695 001

2. THE CHIEF ENGINEER (HRM),
THE KERALA STATE ELECTRICITY BOARD, VYDHUTHI BHAVAN
THIRUVANANTHAPURAM.695 001

3. THE EXECUTIVE ENGINEER,
THE KERALA STATE ELECTRICITY BOARD,
ELECTRICAL DIVISION, NILAMBUR, MALAPPURAM.679 330

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 32164 of 2014 (U)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE ORDER DATED 22/02/2010.

EXHIBIT P2: TRUE COPY OF THE ORDER DATED 26/06/2014.

EXHIBIT P3: TRUE COPY OF THE PAY FIXATION ORDER.

EXHIBIT P4: TRUE COPY OF THE COMMUNICATION ISSUED IN THIS REGARD
DATED 07/08/2014.

EXHIBIT P5: TRUE COPY OF THE REPRESENTATION PREFERRED BY THE
PETITIONER.

EXHIBIT P6: TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND
RESPONDENT DATED 25/10/2014.

RESPONDENT(S) ' EXHIBITS

-----: NIL

/TRUE COPY/

PS TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 32164 OF 2014

Dated this the 20th day of January, 2015

JUDGMENT

The petitioner was appointed as Driver Grade-II in the service of the Kerala Electricity Board on 27/4/1999 and promoted to the post of Driver Grade-I on 14/10/2013. Next level of promotion is to the post of Special Grade Driver Grade-II. The 2nd respondent issued an order promoting drivers to the post of Special Grade Driver-II on 22/2/2010. However, in the order it was mentioned that promotion of the petitioner is withheld for want of incumbency details. Thereafter, as per Ext.P2 order dated 26/6/2014, promotion was released. However, the petitioner submitted that he was given pay fixation with effect from the date of Ext.P1, but no monetary benefits were given to him with effect from Ext.P1.

2. Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent - Board.

3. The only reason for withholding the promotion is

service details of the petitioner are not made available. But, it is to be noted that the petitioner's promotion was released as per Ext.P2 order. It is the petitioner's case that incumbency details has to be furnished by the respondent-Board and not by the petitioner. It is to be noted that incumbency details could have been verified by the Board and there was no reason at that time to withhold the promotion.

4. Having fixed the pay with effect from the date mentioned in Ext.P1, I do not find any reason for withholding monetary benefits with effect from the date mentioned in Ext.P1. Therefore, there shall be a direction to the respondents to release monetary benefits to the petitioner with effect from the date of Ext.P1. Entire arrears shall be disbursed within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/ PS to Judge.

