

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. 34143 of 2015 (P)

PETITIONER(S):

**V.A.JOY
S/O.ANTONY, OVERSEER, ELECTRICAL SECTION
VALLON THAYYIL HOUSE, KOODAPUZHA, CHALAKUDY P.O.
PIN-680307.**

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
POWER DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695004.**
- 2. KERALA STATE ELECTRICITY BOARD LIMITED
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-695004.**

**R BY GOVERNMENT PLEADER SRI. S. JAMAL
R BY 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:**

WP(C).No. 34143 of 2015 (P)

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF THE ORDER NO. BO(CMD)NO. 134/2014(DF/RC/RE-VESTING/2013-14 ISSUED BY THE 1ST RESPONDENT DTD. 16.1.14
- EXT.P2 COPY OF THE LETTER ISSUED BY THE CHAIRMAN, KERALA STATE ELECTRICITY BOARD TO THE 1ST RESPONDENT DTD. 7.10.13.
- EXT.P3 COPY OF THE ORDER GO(MS) NO.50/2013/PD ISSUED BY THE 1ST RESPONDENT DTD. 29.11.13.

RESPONDENTS EXHIBITS:

NIL

// TRUE COPY //

PA TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.34143 of 2015 - P

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Dated this the 12th day of November, 2015

J U D G M E N T

The petitioner, a retired employee of the 2nd respondent Board, is before this Court seeking enhancement of the retirement age of the employees of the Board to 58. The petitioner also seeks consequential reliefs, of declaration that he is entitled to continue till 58 and a direction to the Board to reinstate him in service with all benefits and allow continuance till he attains the age of 58. Admittedly, the petitioner has superannuated one year back.

2. The petitioner bases his claim on Exts.P1 and P2. Exts.P2 and P3 cannot be relied on by any employee of the Board to seek enhancement of retirement age. The said orders are with respect to the extension of service of one Sri. K. Vikraman Nair, Member of the Managing Committee of the Board, in charge of

Transmission and System Operation. The extension had been ordered since the said officer had been spearheading the changes in the Development and Transmission Sector of K.S.E Board and his services were required since the work of strengthening of transmission net work was at a crucial stage and the said officer had valuable domain knowledge as well as experience in the Transmission Sector.

3. True, there has been a reference to the proposal to enhance the retirement age by 2 years, when the company is formed. However, that was not the ground on which the extension was ordered. Exts.P2 and P3 stand on a totally different footing.

4. Further, the decision to enhance the retirement age is a policy decision, which has to be taken by the Board of Directors of the newly formed company or by the Government looking at the powers conferred on each under the Memorandum of Association and Articles of Association. This Court would not normally issue a mandamus, when the subject is

in the realm of a policy, much less would this Court issue a direction to enhance the retirement age. Such policy decision has to be arrived at by the appropriate authority on the balancing considerations of the financial capacity of the organisation, the number of employees required, the need to retain experienced hands as against the requirement of infusing young blood into the organisation and so on and so forth. This Court does not have the necessary technical knowledge or the inputs to decide on such an issue and would not exercise extraordinary discretionary jurisdiction under Article 226 of the Constitution of India in such matters.

This Court does not find any reason to admit the writ petition, which is totally devoid of merit and the same would stand dismissed in limine.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/16/11/2015

// true copy //

P.A to Judge.