

**KERALA ELECTRICITY EMPLOYEES' CONFEDERATION  
INTUC**



(Reg. No. 01-14/87 - Aff. 10485)

V.P MARAKKAR SMARAKA MANDIRAM  
AMBUJAVILASOM ROAD, THIRUVANANTHAPURAM - 695 001

E-mail : keecintuchq@gmail.com, Web: www.intuckeec.com



<b>PATRON</b> K. MURALEEDHARAN M.P	<b>PRESIDENT</b> K.P DHANAPALAN Ex.M.P 9447083300	<b>WORKING PRESIDENT</b> Adv. SIBYKUTTY FRANCIS 9447303578	<b>GENERAL SECRETARY</b> V.SUDHEER KUMAR 7012655030
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No. KEEC/GL/2023/72

തിരുവനന്തപുരം  
13.11.2023

സ്വീകർത്താവ്

ബഹു. സെക്രട്ടറി  
കേരള സ്റ്റേറ്റ് ഇലക്ട്രിസിറ്റി ബോർഡ് ലിമിറ്റഡ്  
വൈദ്യുതിഭവനം, പട്ടം  
തിരുവനന്തപുരം

സർ,

വിഷയം : ജീവനക്കാരുടെ 4 ഗഡു DA നൽകുന്നത് ബഹു.ഹൈക്കോടതി ഉത്തരവ് സമർപ്പിക്കുന്നത് സംബന്ധിച്ച്.

- സൂചന : 1. 1.11.2023 തീയതിയിലെ ബഹു.ഹൈക്കോടതി ഉത്തരവ്.  
2. KSEBL ബഹു.ഹൈക്കോടതിയിൽ നൽകിയ കൗണ്ടർ അപീഡവിറ്റ്.  
3. DA calculation statement

KSEBL ജീവനക്കാരുടെ മുടങ്ങിക്കിടക്കുന്ന 4 ഗഡു DA നൽകുന്നതിനുള്ള ബഹു.ഹൈക്കോടതിയുടെ നിർദ്ദേശം സൂചന (1) സമർപ്പിക്കുന്നു. നവംബർ മാസത്തിലെ ബോർഡ് യോഗത്തിൽ “തന്നെ” ഉചിതമായ തീരുമാനം എടുക്കണമെന്ന് ബഹു.ഹൈക്കോടതി ഉത്തരവ് നൽകിയിരിക്കുകയാണല്ലോ. ഉത്തരവിന്റെ മലയാളം interpretation അങ്ങനെ തെറ്റിദ്ധരിപ്പിക്കുന്ന ചിലർ ഞങ്ങൾക്കിടയിൽ ഉള്ളതുകൊണ്ടാണ് ഒരിക്കൽക്കൂടി വ്യക്തമാക്കുന്നത്. “നവംബറിൽ തന്നെ ഉചിത തീരുമാനം” എന്ന് പറയുമ്പോൾ നിർബന്ധമായും കൊടുക്കണമെന്നാണ്. കാരണം ഇപ്പോൾ DA ലഭിക്കുന്നില്ല അപ്പോൾ കൊടുക്കാതിരിക്കാൻ നവംബറിൽ തീരുമാനമെടുക്കണമെന്ന് കോടതി പറയേണ്ട കാര്യമില്ലല്ലോ. ഞങ്ങൾ 12% പലിശയൊക്കെ ആവശ്യപ്പെട്ടിട്ടുണ്ട്. അതിലൊക്കെ ബോർഡിന് ഉചിതമായ തീരുമാനമെടുക്കാം എന്നതാണല്ലോ ഉത്തരവിന്റെ ഉള്ളടക്കം. DA calculation ലിസ്റ്റും ഇതൊന്നിച്ച് സമർപ്പിക്കുന്നു സൂചന (3). നവംബറിലെ ബോർഡ് യോഗത്തിൽ DA കുടിശിഖ മുഴുവൻ അനുവദിക്കണമെന്ന് അഭ്യർത്ഥിക്കുന്നു.

വിശ്വസ്തതയോടെ,

  
കെ.പി.ധനപാലൻ Ex.MP  
പ്രസിഡന്റ്

  
അഡ്വ.സിബികുട്ടി ഫ്രാൻസിസ്  
വർക്കിംഗ് പ്രസിഡന്റ്

  
വി.സുധീർ കുമാർ  
ജനറൽ സെക്രട്ടറി

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V  
WEDNESDAY, THE 1<sup>ST</sup> DAY OF NOVEMBER 2023 / 10TH KARTHIKA, 1945  
WP(C) NO. 24657 OF 2023

PETITIONER :-

KERALA ELECTRICITY EMPLOYEES CONFEDERATION (INTUC)  
REG NO: 1-04/87, V.P MARAKKAR SAMARAKA MANDIRAM,  
AMBUJAVILASAM ROAD, THIRUVANANTHAPURAM  
REPRESENTED BY ITS GENERAL SECRETARY, PIN - 695001

BY ADVS.  
G.S.REGHUNATH  
SIBYKUTTY FRANCIS

RESPONDENTS :-

- 1 STATE OF KERALA  
REPRESENTED BY ITS PRINCIPAL SECRETARY, POWER DEPARTMENT,  
GOVT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA STATE ELECTRICITY BOARD LTD.  
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR,  
VYDUTHI BAHAVAN, PATTOM, THIRUVANANTHAPURAM, PIN - 695004
- 3 SECRETARY ADMINISTRATION  
KERALA STATE ELECTRICITY BOARD LTD., VYDUTHI BAHAVAN,  
PATTOM, THIRUVANANTHAPURAM, PIN - 695004

BY ADVS.  
GOVERNMENT PLEADER  
ANTONY MUKKATH

SRI. ANTONY MUKKATH, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
01.11.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## **JUDGMENT**

The petitioner contends that they are a registered trade union representing the employees of Kerala State Electricity Board. The grievance of the petitioner is with respect to the non-disbursement of the Dearness allowances due to its members, which is stated to be due from January 2022 onwards. They have approached this Court seeking the following reliefs:-

- “(i) That the Writ of mandamus or other order be passed directing the respondents 1 and 2 to pay the Dearness Allowance due to the members of the petitioners from January 2022 and continue to pay the Dearness allowance along with the salary without any fail.
- (ii) The respondent be directed to pay the DA to petitioners with interest at 12% per annum from January 2022, without any fail.
- (iii) That the petitioner be granted such other relief as are appropriate and incidental to the Writ Petition.”

2. A counter affidavit has been filed on behalf of respondents 2 and 3. In paragraphs 4 and 5, it has been stated as under:-

"4. The proposal for sanctioning the pending DA/DR due on January, 2022, July, 2022 and January, 2023 to the employees and pensioners of KSEBL was duly submitted on 11.09.2029 to the Financial Adviser for remarks and for ascertaining the approximate monthly additional financial commitment due to the proposed DA/DR hike. Financial Advisor offered remarks as per letter No.FA/Tender2/DA Revision/2023 dated 19.09.2023 on the basis of the details of basic salary and basic pension furnished from the IT wing. Also it has been suggested that on sanctioning the DA/DR hike, the arrears may be ordered to be merged with Provident Fund (PF) for managing liability issues.

5. The precedence followed in this regard is to submit the composite file pertaining to DA/DR revision before the Chairman and Managing Director KSEBL. In furtherance, it was directed to place the proposal before the meeting of the Board of Directors of KSEBL. As such the same was placed for the consideration of the 73rd meeting of the Board of Directors of KSEBL held on 30.09.2023. The Full Board considered the proposal as Agenda OA 04-09/23, examined the matter and deferred the same so as to consider in the next meeting of the Board of Directors in which the Director representing the Finance Department, Government of Kerala may be present which is expected to be held by November 2023."

3. Sri. G.S. Reghunath, the learned counsel appearing for the petitioner, submits that the Full Board has considered the proposal for grant

of Dearness Allowance, and for one reason or the other, a positive decision has not yet been taken. There is no justification in postponing the same, contends the learned counsel. It is submitted that, as asserted in the counter, the respondents be directed to expedite the same and take a decision in the next board meeting itself.

4. Sri. Antony Mukkath, the learned counsel, submits that there is no wilful laches, and a decision will be taken in the next meeting.

5. I have considered the submissions. I find from the counter-affidavit that the proposal to grant the pending salary increases for January 2022, July 2022, and January 2023 to the employees and pensioners of KSEBL was submitted for approval on 9.11.2023. The Financial Adviser has reviewed it, and he has calculated the quantum required for paying the DA. It is stated that the respondents have decided to place it before the Board of Directors. The Full Board decided to postpone their decision to the next meeting so that they could get the concurrence from the Director representing the Finance Department of the Government of Kerala. It is stated that the said meeting is scheduled to take place this month itself.

In that view of the matter, this writ petition is disposed of directing

W.P.(C.) No.24657 of 2023

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the respondents to take up the matter with regard to the disbursal of Dearness Allowance due to the employees in the next Board meeting itself and take an appropriate decision.

Sd/-

**RAJA VIJAYARAGHAVAN V,  
JUDGE**

SMA

Copy received on 26-07-2023

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT  
ERNAKULAM

W.P(C) No. 24657 of 2023

Kerala State Electricity Employees  
Confederation : Petitioner

Vs.

State of Kerala & Others : Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS 2  
AND 3

I, Neelakantan. S, S/o Late N. Subramonia Iyer, aged 51 years, residing at "Poornasree", House No. 22/93C, Kottappuram, Tripunithura, Ernakulam – 682301, working as the Executive Engineer attached to the office of the Standing Counsel for Kerala State Electricity Board Limited, Power House, Ernakulam, do hereby solemnly affirm and state as follows:

1. I am presently working as the Executive Engineer at the Office of the Standing Counsel for KSEBL. I am competent to swear and duly authorized to file this affidavit on behalf of the Respondent nos. 2 to 3. I

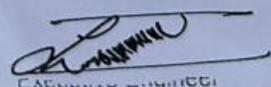


  
EXECUTIVE ENGINEER  
Office of The Standing Counsel &  
Legal Advisor, KSEBL  
Power House, Kochi - 18

am conversant with the facts of the case as disclosed from the relevant files and records, kept and maintained at the office of the 2nd respondent. I have read and understood the contents of the above Writ Petition (Civil). The averments contained in the above Writ Petition (Civil) in so far as they are contrary to or inconsistent with the facts stated hereunder are incorrect, untrue and hence denied.

2. It is submitted that the above Writ Petition is not maintainable either in law or on facts. It is submitted that DA revision in KSEB Ltd is being carried out in accordance with the clauses 2(a) to (h) of the Tripartite Agreement of 01.08.2014 which was formulated approved and made applicable at the time of revesting of KSEB from the State Government. The conditions applicable for computing the admissibility and rates of DA eligible for the employees of KSEB Ltd comprising of workmen and officers category are governed by the relevant clauses contained in the Long Term Settlements entered into between recognized trade unions and management which is arrived at as per the provisions of Industrial Dispute Act, 1947 and the clauses contained in Officers Pay Revisions of KSEB Ltd applicable during relevant periods. The pay and DA revisions of employees of KSEBL from time to time are being approved by the Kerala State Electricity Regulatory Commission (KSERC), a quasi judicial Institution which regulates the activities of KSEBL after perusing and scrutinizing the income and expenditure statement of relevant periods.



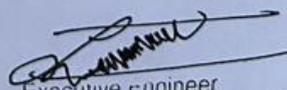
  
EXECUTIVE ENGINEER  
Office of The Standing Counsel &  
Legal Advisor, KSEBL  
Power House, Kochi - 18

3. The DA rates in KSEB Ltd from time to time are determined on the basis of the formula defined by the Labour Bureau of Government of India and by considering Index published by the All India Consumer Price Index (AICPI). Notably the Government of Kerala is also following the same methodology in the case of DA revision of its employees. The Director Board of KSEBL is sanctioning and implementing DA revision in respect of its employees from time to time only after assessing the financial liability being incurred by the KSEBL owing to the revision of DA.

4. The proposal for sanctioning the pending DA/DR due on January, 2022, July, 2022 and January, 2023 to the employees and pensioners of KSEBL was duly submitted on 11.09.2023 to the Financial Adviser for remarks and for ascertaining the approximate monthly additional financial commitment due to the proposed DA/DR hike. Financial Advisor offered remarks as per letter No. FA/Tender2/DA Revision/2023 dated 19.09.2023 on the basis of the details of basic salary and basic pension furnished from the IT wing. Also it has been suggested that on sanctioning the DA/DR hike, the arrears may be ordered to be merged with Provident Fund (PF) for managing liability issues.

5. The precedence followed in this regard is to submit the composite file pertaining to DA/DR revision before the Chairman and Managing Director KSEBL. In furtherance it was directed to place the proposal



  
Executive Engineer  
Office of The Standing Counsel &  
Legal Advisor, KSEBL  
Kochi - 18

before the meeting of the Board of Directors of KSEBL. As such the same was placed for the consideration of the 73<sup>rd</sup> meeting of the Board of Directors of KSEBL held on 30.09.2023. The Full Board considered the proposal as Agenda OA 04-09/2023, examined the matter and deferred the same so as to consider in the next meeting of the Board of Directors in which the Director representing Finance department, Government of Kerala may be present which is expected to be held by November 2023.

6. In the circumstances, the above Writ Petition (Civil) is devoid of any force or merit. It is submitted that the petitioner is not entitled to all or any of the reliefs prayed for in the above Writ Petition. The above Writ Petition is liable to be dismissed with costs to the respondents 2 and 3.

Dated this the 25<sup>th</sup> day of October, 2023.



A handwritten signature in black ink, appearing to be "S. S. S.", written over a horizontal line.

Executive Engineer  
Office of The Standing Counsel &  
Legal Advisor, KSEBL  
Power House, Kochi - 18

**DEPONENT**

Solemnly affirmed and signed before me by the deponent whom I know personally on this the 25<sup>th</sup> day of October, 2023 at my office at Ernakulam.

A handwritten signature in black ink, appearing to be "Antony Muckath", written in a cursive style.

Antony Muckath  
Advocate

CALCULATION OF DEARNNESS ALLOWANCE																	
AICPI													Total	Average Consumer price Index	DA% (Average - 287.17)*10/287.17)	Round	With Effect from
1/18 TO 12/18	288	287	287	288	289	291	301	301	301	302	302	301	3538.00	294.83	2.67	3	1.1.2019
7/18 TO 06/19	301	301	301	302	302	301	307	307	309	312	314	316	3673.00	306.08	6.59	7	1.7.2019
1/19 TO 12/19	307	307	309	312	314	316	319	320	322	325	328	330	3809.00	317.42	10.53	11	1.1.2020
7/19 TO 6/2020	319	320	322	325	328	330	330	328	326	329	330	332	3919.00	326.58	13.72	14	1.7.2020
1/2020 to 12/2020	330	328	326	329	330	332	336	338	340	344	345	342	4020.00	335.00	16.66	17	1.1.2021
7/2020 TO 6/2021	336	338	340	344	345	342	340	343	344	346	347	350	4116.30	343.02	19.45	19	1.7.2021
1/2021 TO 12/2021	340	343	344	346	347	350	354	354	355	360	362	361	4217.18	351.43	22.38	22	1.1.2022
7/2021 TO 06/2022	354	354	355	360	362	361	360	360	363	368	372	372	4340.45	361.70	25.95	26	1.7.2022
1/2022 TO 12/2022	360	360	363	368	372	372	374	375	378	382	382	381	4466.02	372.17	29.60	30	1.1.2023
7/2022 TO 06/2023	374	375	378	382	382	381	382	382	384	386	388	392.8	4586.29	382.19	33.09	33	1.7.2023