

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
WEDNESDAY, THE 1ST 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

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

APPENDIX OF WP(C) 24657/2023

PETITIONER EXHIBITS :-

- Exhibit P1 TRUE COPY OF THE CERTIFICATE OF REGISTRATION
OF TRADE UNION DATED 21.01.2011
- Exhibit P2 TRUE COPY OF THE RELEVANT PAGES OF THE LONG
TERM SETTLEMENT
- Exhibit P3 TRUE COPY OF THE RELAVANT PAGE OF LONG TERM
SETTLEMENT SIGNED IN 2021
- Exhibit P4 TRUE COPY OF THE CIRCULAR NO.30/2023 (P&HR)
DATED 19.07.2023