



KERALA STATE ELECTRICITY BOARD Ltd

(Incorporated under the Companies Act, 1956)

Registered Office: Vidyuthi Bhavanam, Pattom, Thiruvananthapuram – 695 004

CIN: U40100KL2011SGC027424

Web: www.kseb.in

Phone :+91 471 2514456, 2514575, 2514504

Fax: 0471 2554039 Email :secretary@kseb.in

No.KSEBL/SEC/ESTT/135/2025 - S3

Date:17-06-2025

CIRCULAR

Sub: Disciplinary action - KSEB Employees (Classification, Control & Appeal) Regulations 1969 - Providing Enquiry Report prior to the issuance of Show - Cause Notice proposing punishment - Reg.

Ref: 1. Judgement dated 21.11.2024 of the Hon'ble High Court of Kerala in WP(C) No.25584/2024 filed by Sri. Santhosh C.M., Overseer.

2. Note No.KSEBL/LA/DEO/51/2025 - LAS3/20 dated 25.02.2025 of the Legal Advisor and Disciplinary Enquiry Officer (i/c).

The Legal Advisor and Disciplinary Enquiry Officer(i/c), vide Note referred 2nd above, informed that the Hon'ble High Court of Kerala has set aside certain disciplinary orders of the Disciplinary authority/Appellate/Reviewing Authority of KSEBL for the sole reason that the enquiry report was only given along with the Show - Cause Notice proposing punishment and not prior to that, relying on the procedural law laid down by the Hon'ble Apex Court in Managing Director, ECIL v. B. Karunakar (1993 KHC 995).

In the judgement dated 21.11.2024 in WP(C) No.25584 of 2024, the Hon'ble High Court of Kerala set aside the Show- Cause Notice and further Proceedings of the Disciplinary Authority and Appellate & Reviewing Authorities for the sole reason that the Enquiry Report was only given along with the Show- Cause Notice. In this case, the directive of the Hon'ble High Court is to the Disciplinary Authority to proceed further on the disciplinary action from the stage of

submission of objections/remarks of the petitioner on Enquiry Report and to pass appropriate orders thereon.

The Constitution Bench of the Hon'ble Supreme Court in *Managing Director, ECIL v. B. Karunakar*, has held that the supply of the copy of the Enquiry Report is neither an empty formality, nor a ritual, but aims to digress the direction of the Disciplinary Authority from his derivative conclusions from the report to the palliative path of fair consideration. The denial of the supply of the copy, therefore, causes to the delinquent a grave prejudice and avoidable injustice which cannot be cured or mitigated in appeal or at a challenge under Art. 226 of the Constitution.

The aforementioned judgements, reinforces the disciplinary authorities to adhere strictly to the principles of natural justice during disciplinary proceedings, underscoring the fact that the employees are entitled to receive the Enquiry Report for defending themselves effectively, ensuring fairness and transparency in the process well before the suggestion of punishment is reached.

As far as Kerala State Electricity Board Limited is concerned, the matter of disciplinary proceedings are governed by the Kerala State Electricity Board Employees (Classification, Control & Appeal) Regulations 1969. In conformity with the Regulation 16 and its sub clauses, the procedure usually adhered to by the disciplinary authorities are providing a copy of the Enquiry Report to the employees along with the Show-Cause Notice proposing punishment, in concurrence with Regulation 16 - sub clause 12(i) a & b.

The Legal Advisor and Disciplinary Enquiry Officer opined that the present procedures with regard to the issuance of Enquiry Report along with the Show - Cause Notice has to be revamped so that such setbacks on this particular ground before the Court of law in disciplinary proceedings are eliminated and also suggested the proper procedure to be followed by the Disciplinary Authority in all the cases, where formal Enquiry is conducted for the purpose of imposition of major penalty as per Regulation 16 of Kerala State Electricity Board Employees (Classification, Control & Appeal) Regulations 1969 & for imposing minor penalty as per Regulation 17(3), for ensuring natural justice to the delinquent.

Hence, all the disciplinary authorities should strictly follow the following procedure, as suggested by the Legal Advisor and Disciplinary Enquiry Officer, where formal Enquiry is conducted for the purpose of imposition of major penalty as per regulation 16 of Kerala State Electricity Board Employees (Classification, Control & Appeal) Regulations 1969 & for imposing minor penalty as per Regulation 17(3):

(A) On receipt of the Enquiry Report, the Disciplinary Authority has to supply a copy of the report to the delinquents to offer his explanation (remarks/objections) in 15 days' time, on the findings in the Enquiry Report and so as to why the report cannot be accepted (Question of guilt). The Enquiry Report cannot be supplied along with the Show Cause Notice proposing punishment or the order imposing penalty.

(B) The Disciplinary Authority on evaluation of the report and explanation to the report abreast may either disagree with the Enquiry Officer and to consider the delinquent's innocence of the charge, or if the Disciplinary Authority comes to the conclusion that charge is proved, may decide the nature of penalty (Question of penalty)

(C) The delinquent should also be given an opportunity to show cause against the proposed punishment in 15 days' time.

(D) The Disciplinary Authority may take a final decision on the question of penalty on consideration of his explanation to the proposed penalty.


SAJEEV E P
SECRETARY

To:-

All Disciplinary Authorities.

Copy To:-

1. The Chief Engineer (IT, CR & CAPs) for publication in the official website.
2. The Legal Adviser and Disciplinary Enquiry Officer (I/c).

3. The Company Secretary/ The Chief Internal Auditor/
The Financial Adviser.
4. The Chief Vigilance Officer/The Chief Personal Officer.
5. The Chief Engineer (HRM).
6. All Chief Engineers.
7. T.A. to the Chairman and Managing Director/Director
(Distribution & SCM)/Director (Transmission & SO)/
Director (HRM, Sports, Welfare, Safety & Quality
Assurance)/Director(Generation - Electrical, Civil,
REES & SOURA).
8. P.A. to the Director (Finance).
9. CA to the Secretary(Administration).
10. Stock file.