

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON**

Wednesday, the 25th day of June 2025 / 4th Ashadha, 1947

WP(C) NO. 13014 OF 2023(B)

PETITIONERS:

1. DHANUSH .K AGED 40 YEARS S/O KITTU, PADINJARE VEEDU, VENNAKKARA NOORANI (PO), PALAKKAD , PIN - 678004
2. SIRAJUDEEN .I AGED 40 YEARS S/O ISMAIL, NAVUKKODE HOUSE, PATTANCHERY (PO), PALAKKAD , PIN - 678532
3. SATHISH KUMAR.C AGED 44 YEARS S/O CHAMUKUTTAN, PONNALA HOUSE, RAMASSERY (PO), PALAKKAD , PIN - 678622
4. DEVAN. P AGED 44 YEARS S/O PONNU, VETTUKAD HOUSE, PERUVEMBA (PO), PALAKKAD , PIN - 678531
5. SWAMINATHAN. K AGED 46 YEARS S/O KUNCHU, NELLIYAMPADAM HOUSE, KUNISSERY (PO), PALAKKAD, PIN - 678681
6. KALADHARAN .K AGED 46 YEARS S/O KAMBI, KARINJALAMKODE HOUSE, KODUYAYUR P.O, PALAKKAD, PIN - 678501
7. ABOOTHAHIR. A AGED 37 YEARS S/O AKBAR BASHA,15/289 PAZHAYAKOTTA PARAKUNNAM PALAKKAD , PIN - 678001
8. KRISHNA PRASAD K.V AGED 47 YEARS S/O LATE VASU, KRISHNAKRIPA, KARAMKODE THENARI P.O PALAKKAD , PIN - 678622
9. MANOJ .M AGED 46 YEARS S/O MANI, PERINCHIRA HOUSE MUTHALAMADA (PO) PALAKKAD , PIN - 678507
10. DEVADASAN. K AGED 40 YEARS , S/O KUNCHU, KALLEKKAD HOUSE, KUTHANUR (PO) PALAKKAD , PIN - 678721
11. NISAM. M AGED 44 YEARS S/O MYTHEENKUNJU, ASARISSERIL PADEETTATHIL MARU: SOUTH, ALUMKADAVU (PO) KARUNAGAPALLY, KOLLAM , PIN - 690573
12. RAJEEV. G AGED 38 YEARS S/O GREESH KUMAR, CHARALUVILA, PUTHENVEEDU KOTTUKALKONAM, KATACHALKUZHI (PO), THIRUVANANTHAPURAM, PIN - 695501
13. HYDARALI KADOOREN AGED 42 YEARS S/O. UNNIMUHAMMED HAJI, KADOOREN HOUSE VK PADI PANNIPARA (PO), MALAPPURAM , PIN - 676541
14. SHAJI N AGED 48 YEARS S/O NEELAMBARAN. S, 18/471 PUTUVAL PUTHANVEEDU, THIRUNALLIYOOR LANE, PALLIMUKKU PEYAD P.O VILAPIL PEYAD, THIRUVANATHAPURAM , PIN - 695573
15. DEVAN. J AGED 41 YEARS S/O THANKAPPAN NAIR, SINDHU BHAVAN VILAYIL VADAKKE JUNCTION, VILAPPILSALA P.O PEYAD, THIRUVANATHAPURAM , PIN - 695573
16. SHAIJU .K.S AGED 45 YEARS S/O KRISHNANKUTTY .N, MARUTHARAVILAKAM PUTHENVEEDU, EDAVAL OTTASEKHARAMANGALAM P.O, THIRUVANTHAPURAM , PIN - 695125
17. BINEESH V.M AGED 42 YEARS S/O MOHANAN, VALIYAVEETIL RAJAKKAD P.O, IDUKKI , PIN - 685566
18. MANOJ K.C AGED 46 YEARS S/O CHACKO, KAIPPAMPLACKEL KANJIKUZHY P.O, IDUKKI, PIN - 685606
19. RENJITH MATHEW AGED 42 YEARS /O MATHEW, THEEYANIL, M.K PADY (PO) KOCHUKAMAKSHY, IDUKKI. , PIN - 685514
20. RENJIMON AGED 45 YEARS S/O PARAMESWARAN KANIYAPARAMBIL KALTHOTTY (PO), IDUKKI , PIN - 685507

21. ANISH N.P AGED 42 YEARS S/O PRABHAKARAN, NEDIYANIEKAL MUKKADAM (PO), IDUKKI. , PIN - 685562
22. JIJO P.A AGED 39 YEARS S/O ANTONY, PUNNACHALIL CHITHIRAPURAM (PO) ANACHAL, IDUKKI., PIN - 685565
23. MAHESH C.C AGED 35 YEARS S/O CHELLAPPAN, CHALAKKEKUDI VALARA P.O CHILLITHOD, IDUKKI, PIN - 685561
24. SANIL KUMAR P.P AGED 49 YEARS S/O THAMBAYIL P.P, PUTHIYA PARAYIL NADAKKAVU, UDINOR, KASARGOD , PIN - 671310
25. AJAY KUMAR T.K AGED 37 YEARS S/O APPUKUTTAN NAIR, THAZHE KUNNATH PAYAMBRA KUNNAMANGALAM VIA KOZHIKODE, PIN - 673571
26. RATHEESH KUMAR T.E AGED 44 YEARS S/O GOPALAN, THEKKEEDAKKUNI KUTTIKATTOOR (PO) CHEMMALATHOOR. KOZHIKODE , PIN - 673008
27. BIJU P.M AGED 49 YEARS S/O BHASKARAN P.M, PANDIYADATH MEETHAL KIZHAKKUM MURI PO KAKKODI, KOZHIKODE, PIN - 673611
28. SAJEEVAN O.T AGED 48 YEARS S/O RAMANKUTTY, OTHAYOTH THAZHA MUDADI, KOZHIKODE , PIN - 673307
29. SHAJU K AGED 48 YEARS S/O PERACHUTTY KEYANCHERY KONOTT PO KUNNAMANGALAM VIA KOZHIKODE, PIN - 673571
30. RATHEESH NK AGED 39 YEARS S/O KUHIKANNAN, NANAMPURATH HOUSE, THOLPETTY PO WAYANAD , PIN - 670646
31. RIJU V.T AGED 45 YEARS S/O THANKACHAN, VARAKIL HOUSE PAMBRA PO CHUNDAKOLLY IRULAM WAYANAD , PIN - 673572
32. VINODH R AGED 49 YEARS S/O RAVUNNI, PALONA HOUSE VELLOMKOLLY, CHUNDALE PO WAYANAD, PIN - 673123
33. SURESH V.R AGED 39 YEARS S/O RAJU V.A, VADAKKEPUTHANPURA HOUSE PAYYAMPALLY PO MUTTANKARA MANANTHAVADY, WAYANAD, PIN - 670646
34. BINU. K.K AGED 35 YEARS S/O KUMARAN, KUNNEL HOUSE, VALAVAYAL PO MOONANAKUZHY, WAYANAD , PIN - 673596
35. SREEJITH N.S AGED 40 YEARS S/O SUKUMARAN, NELLIYANI KUNNAL HOUSE, CHOOTHUPARA PO KENICHIRA WAYANAD , PIN - 673596
36. MURUKANDAN N.K AGED 44 YEARS S/O KARTHIKEYAN, NIVARTHIL THAICKAL PO CHERTHALA, ALAPPUZHA , PIN - 688530
37. ANAS P.K AGED 46 YEARS S/O KUNJUMHED, PEEDIKAKKAL, NADACKAL PO, ERATTUPETTA, KOTTAYAM , PIN - 686121
38. GOPAKUMAR AGED 42 YEARS S/O M.N. PRABHAKARAN NAIR, GOKULAM AYMANAM P.O KOTTAYAM , PIN - 686015
39. VINODHAN K.E AGED 47 YEARS S/O JANARDHANAN P, THAVIDISERY, PORAKUNNU P.O MM BAZAR VIA KANNUR , PIN - 695603
40. MANIKANDAN V.S AGED 41 YEARS S/O. VELAYUDHAN, KAMBIKKODE VIA, CHIMBUKKAD, KUTHANOR P.O., PALAKKAD , PIN - 678721

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF POWER, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM , PIN - 695001
2. THE KERALA STATE ELECTRICITY BOARD LIMITED REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, VYDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM, PIN - 695004
3. THE CHIEF ENGINEER (HRM) KERALA STATE ELECTRICITY BOARD, VYDHYUTHI

BHAVAN, PATTOM, THIRUVANANTHAPURAM, PIN - 695004

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct respondents 2 and 3 to engage the petitioners as Electricity Workers in preference to the Petty Contractors, pending disposal of the above Writ Petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S P.NANDAKUMAR, AMRUTHA SANJEEV, VIVEK VIJAYAKUMAR and RIYA TOMY, Advocates for the petitioners and the GOVERNMENT PLEADER for R1 , STANDING COUNSEL for R2 and R3, the court passed the following:



HARISANKAR V. MENON, J.

**W.P.(C) Nos.10359 of 2019, 10367 of 2019,
11844 of 2019, 1609 of 2020, 26784 of 2022,
30195 of 2022, 30517 of 2022, 34593 of 2022,
34795 of 2022, 40871 of 2022, 41079 of 2022,
13014 of 2023 and 2829 of 2024**

Dated this the 25th day of June, 2025

ORDER

These connected writ petitions are filed by those candidates who are included in the rank list prepared by the Kerala Public Service Commission (KPSC) and those who are included in the separate list prepared by the Kerala State Electricity Board (KSEB) on the basis of the orders issued by the Industrial Tribunal, Palakkad.

2. This Court notices that as regards those in the list prepared on the basis of the directions issued by the Industrial Tribunal, there are certain candidates who are overqualified. This is not in dispute. The parties were before this Court in an earlier round of litigation, as evidenced by Ext.P2 judgment (produced in W.P.(C) No.10367 of 2019), wherein this Court has categorically found that, if there are excessively qualified hands, they need not be considered. The afore judgment was a subject matter of challenge before the Apex Court, and pursuant to the directions issued in Ext.P3 (produced in W.P.(C) No.10367 of 2019), the

W.P.(C)No.10359 of 2019 & connected cases.

respondent Board was directed to independently consider the claim made by the persons who are admittedly overqualified and hence not entitled for the benefits pursuant to the directions in Ext.P2 judgment. On the basis of the afore, it is the case of the respective petitioners that a list at Ext.P5 (produced in W.P.(C) No.10367 of 2019) was prepared of the seniority from among the candidates falling into the list prepared on the basis of the directions of the Industrial Tribunal, and substantial numbers of vacancies have been filled out from the afore list.

3. In such circumstances, the petitioners contend that directions may be issued to the respondent Board to accommodate those who are figuring in the list prepared by the KPSC in vacancies which are being proposed to be filled up by the KSEB on a casual basis for the time being.

4. This Court notices that steps are now being taken by the respondent Board for carrying out appointments as pointed out in I.A.No.2 of 2025 in W.P.(C) No.1609 of 2020.

5. The learned counsel for the respondent Board, on the other hand, would point out that the Board is in seisin of the matter and pursuant to the directions contained in the Government Order produced, dated 02.02.2023

W.P.(C)No.10359 of 2019 & connected cases.

(G.O.(Ms) No.2/2023/POWER issued by the Government of Kerala), the Board has already addressed the Government pursuant to a letter dated 18.02.2025, seeking permission for advising the matter.

6. In the light of the afore, the learned Senior Government Pleader Sri.E.G.Gorden, to get instructions from the Government as regards the further steps taken on the basis of the letter dated 18.02.2025.

7. The respondent Board would take note of the case of the petitioners for their engagement on a casual/daily basis, if the Board intends to make any such appointments.

8. Treat these matters as part heard.

Post these writ petitions, for further consideration, on 09.07.2025 along with W.P.(C) Nos.5785 of 2017, 21181 of 2017 & 21183 of 2017.

I.A.No.2 of 2025 in W.P.(C) No.1609 of 2020.

In the meantime, the respondent Board shall not carry out any appointments to the post of Electricity Worker/Mazdoor.

Sd/-
HARISANKAR V. MENON
JUDGE

anm

APPENDIX OF WP(C) 13014/2023

- ExhibitP2** TRUE COPY OF COMMON JUDGMENT DATED 01.03.2018 REPORTED IN 2018 KHC 198 (KPSC TVM AND ANOTHER V. MANOJ KUMAR K & OTHERS)
- ExhibitP3** TRUE COPY OF ORDER DATED 15.02.2022 IN SLP (C) NOS. 9111 – 9124 OF 2018
- ExhibitP5** TRUE COPY OF JUDGMENT DATED 23.09.2020 IN WP(C)NO. 19634 OF 2020

