



2025:KER:23088

WP(C) NO. 18093 OF 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

TUESDAY, THE 18<sup>TH</sup> DAY OF MARCH 2025 / 27<sup>TH</sup> PHALGUNA, 1946

WP(C) NO. 18093 OF 2024

PETITIONER/S:

VINEETHA N K  
AGED 63 YEARS  
SENIOR SUPERINTENDENT [RETD], KSEB LTD., RESIDING AT  
KODAVATHUMTHARA HOUSE, NAYARAMABLAM, KOCHI., PIN - 682509

BY ADVS.  
P.M.MOHAMMED SHIRAZ  
AAKHIL MOHAMMED.P.M

RESPONDENT/S:

- 1 KERALA STATE ELECTRICITY BOARD LTD  
REPRESENTED BY ITS SECRETARY [ADMINISTRATION], VYDYUTHI  
BHAVAN, PATTOM P.O., TRIVANDRUM, PIN - 695004
- 2 THE CHIEF INTERNAL AUDITOR  
KERALA STATE ELECTRICITY BOARD LTD., VYDYUTHI BHAVANAM,  
PATTOM P.O., TRIVANDRUM, PIN - 695004
- 3 THE EXECUTIVE ENGINEER  
ERNAKULAM ELECTRICAL DIVISION, KSEB LTD., POWER HOUSE  
ROAD, KOCHI, PIN - 682031

JOSEPH C. ANTONY-SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
18.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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## JUDGMENT

The petitioner, while working as Senior Assistant, Electrical section, Moothakunnam of KSEB Ltd, faced departmental enquiry. Before the disciplinary authority could pass the punishment order, the petitioner demitted the office on attaining the age of superannuation. The punishment order dated 10.05.2023 was passed by the Chief Engineer, the disciplinary authority for withholding three increments without cumulative effect and the amount equivalent to the above punishment was directed to be recovered from the pensionary benefits.

2.Kerala Civil Services (CLASSIFICATION, Control & Appeal) Rules, 1960 (the Rule for short) provide different punishments regarding withholding of the increments and their effects. Note-1 of the said Rule prescribes withholding increments may either be permanent or temporary for a specified period. However, withholding of promotion should be only temporary for a specified period. Note-3 of the aforesaid Rule provides that if the order of



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withholding of increments cannot be given effect to, the monetary value equivalent to the amount of increments ordered to be withheld will be recovered from the pay of the officer. If the officer retires from service before the recovery could be effected, the amount will be recovered from his pension or DCRG.

3. In the present case, the punishment order prescribes withholding three increments without cumulative effect. Therefore, as per Note-3 of Rule, the value of the three increments is to be recovered from the petitioner's pension/DCRG as he retired before the order of punishment was issued to him.

4. The learned counsel for the petitioner submits that one increment was Rs.2380/-, and therefore, for one year, the increment would be Rs.28560/-, and for three years, it would be Rs.85680/-. The respondents have already recovered Rs.99508/-, and therefore, they are not entitled to recover any further amount inasmuch as they have already effected the recovery of withholding of three increments more than the amount of the three increments.

5. The learned counsel for the respondent Board, however,



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submits that what is to be recovered is the amount of three increments paid to the petitioner. The first year amount as a result of the increment paid to the petitioner was Rs.28560/- and in the second year it was  $\text{Rs.}2380 \times 2 \times 12 = \text{Rs.}57,120/-$  and third year it is  $\text{Rs.}2380 \times 3 \times 12 = \text{Rs.}85680/-$  and thus the total amount paid as a result of three increments to the petitioner was Rs.1, 71,360/-. Since this is the amount of three increments paid to the petitioner which have been ordered to be withheld by the punishment order, which is the amount to be recovered from him.

6.I have considered the submissions advanced.

7.The punishment order itself provides that the amount of the three increments paid to the petitioner is to be recovered from him as a consequence of the punishment order imposed upon him in the disciplinary proceedings.

8.The learned counsel for the petitioner has not denied that he has received the amount of Rs.1,71,360/- which is the value of the three increments. Therefore, I do not find the force in the argument of the learned counsel for the petitioner that the increment amount



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would come to Rs.85,680/-. The reliance placed on the judgment by the learned counsel for the petitioner in ***Mathew F.V v. State of Kerala and others (1998 KHC 611)*** also would not come to the help of the petitioner.

9. In the aforesaid case, the punishment order would read as under:-

“The Board orders that the next increment of Sri. F.V Mathew , Additional Sales Tax Officer I Ponkunnam, in the time scale of Rs.1370-40-1530-60-1830-80-2470-85-2640 be barred with cumulative effect.”

10. In the said case, Mr. F.V Mathew had demitted his office before the date of the punishment order, and therefore, this court held that there was no question of paying him the increment after he demitted the office.

11. In the present case, however, the order mentioned above reads differently and specifically, provides that the value of three increments paid to the petitioner should be recovered.



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12. The learned counsel for the petitioner is not in a position to dispute the figure of the amount paid to him as a result of three increments. I do not find that the Board committed an error in realizing the said value from the petitioner. Thus, there is nothing much that this court can do in view of the punishment order and the rule position, as stated above.

In view thereof, the present writ petition is dismissed and the balance amount of Rs.71,000/- is permitted to be paid by the petitioner in ten equal monthly instalments without interest.

Sd/-

D. K. SINGH  
JUDGE

SJ



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APPENDIX OF WP(C) 18093/2024

PETITIONER EXHIBITS

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|-------------|---|
| Exhibit -P1 | TRUE PHOTOCOPY OF ORDER NO.<br>EBVS.(2).3/16/2009/85 DATED 10/05/2023 OF THE<br>CHIEF ENGINEER [HRM], KSEB LTD.               |
| Exhibit-P2  | TRUE PHOTOCOPY OF LETTER NO. CIA/ PAY. FIXN/<br>A4/ 385/3/24 DATED 12/04/2024 OF ACCOUNTS<br>OFFICER, PAY FIXATION, KSEB LTD. |
| Exhibit-P3  | TRUE PHOTOCOPY OF REPRESENTATION OF PETITIONER.   |
| Exhibit-P4  | TRUE PHOTOCOPY OF LETTER NO. CIA/PAY FIXN/A4/T-<br>98/4/24 DATED 04/05/224 OF SR. ACCOUNTS<br>OFFICER, O/O THE CIA.           |