



GOVERNMENT OF KERALA

Abstract

Power Department – Judgment dated 06/12/2023 of the Hon’ble High Court of Kerala in WP(C) No. 40897/2023 filed by Sri. Jayakumar.R, Additional Chief Technical Manager, ANERT, Vikas Bhavan, Thiruvananthapuram and Sri. Aneesh. S.Prasad, Chief Technical Manager, ANERT, Vikas Bhavan, Thiruvananthapuram – Complied with – Orders issued.

POWER (PS) DEPARTMENT

G.O.(Rt)No.15/2024/POWER Dated,Thiruvananthapuram, 13-01-2024

Read 1 G.O(MS) No.27/03/PD dated 12/08/2003.

2 G.O(MS) No.08/2021/Power dated 25/02/2021

3 Government letter No. PS2/14/2022-POWER dated 29/06/2022.

4 Representation dated 01-08-2022 submitted by Sri. Aneesh.S.Prasad, Chief Technical Manager, ANERT and 12 employees of ANERT.

Judgement dated 06-12-2023 of the Hon’ble High Court of Kerala in WP (C) No. 40897/2023 filed by Sri. Jayakumar.R, Additional Chief Technical Manager, ANERT, Vikas Bhavan, Thiruvananthapuram and Sri. Aneesh. S.Prasad, Chief Technical Manager, ANERT, Vikas Bhavan, Thiruvananthapuram

ORDER

Sri. Jayakumar.R, Additional Chief Technical Manager, ANERT, Vikas Bhavan, Thiruvananthapuram and Sri. Aneesh. S.Prasad, Chief Technical Manager, ANERT, Vikas Bhavan, Thiruvananthapuram filed a Writ Petition (WP (C) No. 40897/2023) before the Hon’ble High Court of Kerala with a prayer to direct the 1st Respondent (Principal Secretary, Power Department) to consider and pass orders on Exhibit P8 representation, read as 4th paper above, for reconsideration of the decision taken as per Exhibit P5 which is read as 3rd paper

above.

2. As per the judgement read as 5th paper above, the Hon'ble High Court disposed of the above Writ Petition directing the Ist respondent to consider Exhibit P8 representation preferred by the petitioners and take a decision expeditiously, with notice to the petitioners and orders shall be passed expeditiously, in any event, within three months from the date of receipt of a copy of the judgement.

3. Exhibit P8 is a representation submitted by the some employees of ANERT including petitioners requesting enhancement of retirement age in ANERT from 58years to 60 years.

4. In compliance to the judgement, Under Secretary Power Department was authorized to hear the petitioners. Accordingly petitioners were heard in person on 05-01-2024 by the Under Secretary. Both the petitioners in the Writ Petition were present in the hearing.

5. The petitioners, on their behalf, presented the following points for considering their representation regarding the enhancement of retirement age in ANERT.

(i). Initially ANERT was functioning under the Science and Technology Department and later the administrative Control of ANERT was transferred to Power Department.

(ii). Retirement age of employees in C-APT and KSCSTE and its R&D Centres is 60 years.

(iii). The Retirement age of the employees of Energy Management Centre, Kerala is 60 years,

(iv). Out of 18 permanent employees of ANERT, Retirement age of 4 Scientists is 60 years and the retirement age of others is 58 years.

(v). Retirement age of Government employees under Contributory Pension Scheme is 60.

(vi). All existing experienced permanent employees of ANERT will retire within two years. Recruitment through KPSC cannot be done due to non-existence of special rules. If such a situation occurs, the organization will cease to exist without achieving its objective.

6. After hearing and examining all arguments from the part of Petitioners, the following facts are noticed.

(a). EPF Pension Scheme is prevailing in ANERT and for which Retirement age

is 58 years. The retirement age of existing 4 Scientists in ANERT is 60 years as their service comes under CSIR Rules.

(b). While issuing order for restructuring of ANERT, as per the Government order read as 2nd paper above, Government had examined the recommendation for enhancement of retirement age of the employees in ANERT to 60 years and declined.

(c). In 2022, CEO, ANERT had submitted a proposal recommending the enhancement of retirement age in ANERT. That proposal also was examined and declined.

(d). The representation (Exhibit P8) had also examined by Government as soon as receiving the same in Government and declined as it was ordered to maintain the existing status quo in retirement age in ANERT . But a reply on the representation was not given to the petitioners.

(e). The formation of Special rules for ANERT is under process in Government and also the matter of enhancing the retirement age of employees is a matter of policy decision coming under the purview of both Central and State Governments.

7. Accordingly Government have examined the representation of Petitioners for the enhancement of retirement age in ANERT based on all above facts and circumstances in detail, and found that the request of the petitioners for the enhancement of retirement age of employees in ANERT to 60 years cannot be considered to.

8. In this circumstances, the request of the petitioners for enhancing the retirement age of employees of ANERT from 58 years to 60 years as per Exhibit P8 representation read as 4th paper above stands rejected and thus the direction contained in the judgment of the Hon'ble High Court of Kerala read as 5th Paper above is complied with accordingly.

(By order of the Governor)
K R JYOTHILAL
ADDITIONAL CHIEF SECRETARY

To:

- 1.The Advocate General, Ernakulam (with CL)
- 2.The Chief Executive Officer, ANERT, Thiruvananthapuram
3. Sri. Jayakumar.R, Additional Chief Technical Manger, ANERT, Vikas

Bhavan, Thiruvananthapuram

4. Sri. Aneesh. S.Prasad, Chief Technical Manager, ANERT, Vikas Bhavan, Thiruvananthapuram
5. The Principal Accountant General (Audit), Kerala, Thiruvananthapuram
6. The Accountant General (A & E), Kerala, Thiruvananthapuram
7. The Information and Public Relations Department (Web and New Media Division)
8. Stock file

Forwarded /By order

Section Officer