

**GOVERNMENT OF KERALA****Abstract**

Power Department - Electrical Inspectorate - Interim Order dated 02.03.2026 in OA No.288/2026 filed by Sri.Nandu R before the Kerala Administrative Tribunal, Thiruvananthapuram Bench- Complied - Orders issued.

POWER (A) DEPARTMENT

G.O.(Rt)No.73/2026/POWER Dated,Thiruvananthapuram, 21-04-2026

- Read 1 G.O.(P) No.36/2005/P.D. dated 07.10.2005.
- 2 G.O.(P) No.36/2010/P.D. dated 13.12.2010.
- 3 G.O.(P) No.5/2022/SJD dated 15.07.2022.
- 4 G.O.(P) No.6/2023/SJD dated 26.10.2023.
- 5 Representation of Sri.Nandu R dated 06.02.2024 and 01.01.2025.
- 6 G.O.(P) No.6/2024/POWER dated 12.12.2024.
- 7 Minutes of the meeting held by Additional Chief Secretary, POWER Department on 03.02.2025.
- 8 Minutes of the Departmental Promotion Committee (Higher) held on 16.09.2025.
- 9 G.O.(Rt) No.1/2026/POWER dated 01.01.2026.
- 10 Interim Order dated 02.03.2026 in OA-288/2026 of the Kerala Administrative Tribunal, Thiruvananthapuram.
- 11 Letter No. CEI/759/2026-SC dated 26.03.2026 of the Chief Electrical Inspector, Thiruvananthapuram.
- 12 U O Note No. B1/173/2025/SJD dated 01/04/2026 from Social Justice (B) Department

ORDER

As per Interim Order dated: 02.03.2026 in OA-288/2026 read as 10th paper above, Hon'ble Kerala Administrative Tribunal has directed the

respondents to place the case of Sri.Nandu R before the DPC for consideration in the light of the judgments on Shoyab K A v State of Kerala, 2025 KHC online 2143, and State of Kerala V Dr.B.Unnikrishnan 2026 KHC online 1595, within a period of six weeks.

2) Sri.Nandu R, Deputy Electrical Inspector, Electrical Inspectorate Department has filed OA No.288/2026 before the Hon'ble Kerala Administrative Tribunal with a request to reserve one vacancy of Electrical Inspector as unfilled for considering him to appoint against 4% reservation quota for Physically Disabled persons under Electrical Inspectorate Department and also challenged the compliance order issued as per GO read as 9th paper above which was issued by fruitfully complying the direction of Hon'ble Tribunal in OA - 663/2025 specifying that Persons with Disabilities are ineligible for reservation in promotion in technical posts in Electrical Inspectorate Department other than Assistant Electrical Inspector since only for the appointments in the post of Assistant Electrical Inspector is recruiting through both direct recruitment and by promotion. Hon'ble Tribunal has pointed out that Government rejected request of Sri.Nandu on a clear misinterpretation of the Special Rules, since the Rules recognise direct recruitment for the post of Electrical Inspector as a permissible mode of appointment in the absence of qualified promotees, the post cannot be treated as one filled exclusively by promotion,

3) The Chief Electrical Inspector vide letter read as 11th paper above has reported that O.A No. 663/2025 was filed by Nandu R with a prayer that the applicant is entitled to get appointment to the post of Electrical Inspector against 4% reservation quota for PWD by the Government and in O.A No.288/2026, also the same contention was

raised by the same applicant (Sri.Nandu.R).

4) The applicant submitted a representation for considering him for promotion to the post of Deputy Electrical Inspector by providing reservation to PwBDs, while he was working as Assistant Electrical Inspector. But he was promoted to the post of Deputy Electrical Inspector w.e.f 08/12/2023 on the basis of seniority, before the Government made a decision on his representation. Later Government convened a meeting on 03/02/2025 under the chairmanship of Additional Chief Secretary Power Department for examining the representation of the applicant and decided not to implement Persons with Disabilities reservation for promotion in technical posts of Electrical Inspectorate Department other than Assistant Electrical Inspector since the appointments in the post of Assistant Electrical Inspector only is done both through direct recruitment and by promotion.

5) As per the Government Order read as 4th paper above Government have issued certain guidelines for providing reservation in promotion to PwBDs Government, vide this order, have instructed that reservation in promotion shall be done for PwBDs in posts where appointments are done both through direct recruitment and by promotion and the element of direct recruitment insisted vide special rules if any, or otherwise shall not exceed 75%. This was also reiterated in the minutes of meeting held by Government.

6) As per the Kerala Electrical Inspectorate Technical Service (Amendment) rules 2005 issued vide G.O issued as 1st paper above the post of Electrical Inspector in the department of Electrical Inspectorate shall be filled up by promotion from the feeder category of Deputy

Electrical Inspector and direct recruitment can be made only in the absence of qualified hands for promotion.

7) The representation of the applicant was placed in the DPC held on 16/09/2025 and it was decided for not to implement Persons with Disabilities reservation for promotion in technical posts of Electrical Inspectorate Department other than Assistant Electrical Inspector since the appointments in the post of AEI only is done both through direct recruitment and by promotion. The committee also observed the opinion of Social Justice Department in Government which is clearly specified that representation of the applicant Deputy Electrical Inspector for getting promotion to the post of Electrical inspector by providing reservation in promotion can be rejected since the post of Electrical Inspector is not a identified post that can be filled up by direct recruitment or by promotion

8) Accordingly Departmental Promotion Committee took the firm stand that Sri.Nandu R, Deputy Electrical inspector is not eligible for promotion to the cadre of Electrical Inspector by enjoying the benefit of section 34 of the Rights of person with Disabilities Act 2016. As per G.O read as 9th paper above, issued in compliance with the interim order dated 11.04.2025 in OA 663/2025 of Hon'ble KAT Thiruvananthapuram wherein it was ordered that the request of the applicant for getting appointment to the post of Electrical Inspector against 4% reservation quota reserved for Physically Disabled employees is not deserving merit and stands rejected.

9) In OA 288/2026 filed before the Hon'ble Kerala Administrative Tribunal Thiruvananthapuram, the main contention of the applicant is as follows:

"the Special Rules for the appointment of Electrical Inspector expressly contemplate two modes of appointment, namely, promotion as the primary method and direct recruitment as an alternative method in specified circumstances. The mere fact that direct recruitment is to be resorted to only in the absence of qualified promotees does not efface its status as a statutorily recognized mode of appointment. The rule-making authority has consciously provided direct recruitment as a permissible source of recruitment. Therefore, the post cannot be characterised as one filled exclusively by promotion. In view of the above, the condition stipulated in Annexure A18 that reservation in promotion applies to posts where both direct recruitment and promotion are prescribed stands satisfied. The respondents' reasoning that the post is filled only by promotion is factually incorrect and legally unsustainable"

10) The above contention of the applicant is not correct. The cadre strength of the Electrical Inspector is 17 and that of the Deputy Electrical Inspector is 55. Appointment to the post of Electrical Inspector is always made through promotion. Since there exists sufficient number of qualified officials in the feeder category and therefore a situation warrants direct recruitment does not arise in the department. This matter also reviewed in the DPC Higher meeting held on 16.09.2025. Section 34 of THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 states that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time. Appropriate government is the competent authority to identify the post suitable for appointment by providing reservation for differently abled employees. Assistant Electrical Inspector is the only technical post identified by the Government for promotion to differently abled

employees by providing reservation. The feeder category of the Electrical inspector is Deputy Electrical Inspector and both the post of Electrical Inspector and Deputy Electrical Inspector are not identified as suitable for reservation.

11) In OA 288/2026 filed by the applicant, the Hon'ble KAT has passed the order on 02.03.2026 as follows:

"2. In the light of the judgments in Shoyab K.A v State of Kerala, 2025 KHC online 2143, and State of Kerala V Dr. B. Unnikrishnan 2026 KHC online 1595, the reason stated by the 1st respondent to reject the claim of the applicant for promotion is unsustainable.

3. Therefore there shall be a direction to the respondents to place the case of the applicant before the DPC for reconsideration in the light of the judgment cited above, within a period of six weeks.

12) The Hon'ble High Court of Kerala, in Dr. B Unnikrishnan v State of Kerala ordered as follows., "It is to be borne in mind that, where the method of appointment is solely by promotion, then there is no question of denying the claim for lateral reservation in promotion, unless on the ground of non-suitability of DA candidates to hold such promotion post. It is also now the settled approach that, where the feeder category of the post in the promotion line is already identified as suitable for lateral reservation in the DA quota, then separate identification in the promotion post may not be required. We need not go in to those aspects, for the simple reason that the respondents have a case in Anx.A15 rejection order, that disabled persons, like the petitioner, is indeed otherwise eligible for holding the claimed post in question. Therefore, the above said interpretation, sought to be projected by the respondents before the Tribunal is to, say the least palpably perverse and manifestly

unreasonable."

13) In *Shoyab K.A v State of Kerala*, 2025 Hon. Court opined that,

"The respondents are directed to complete the identification of the promotion posts of posts now occupied by the appellants, at the earliest as directed in Leesamma Joseph [(2021) of SCC 208] and on completion of such identification, if any such post is identified, grant promotion to them by fixing the Roster points in accordance with Exp P7 office memorandum by issuing necessary orders."

14) In this regard, the post of Electrical Inspector is not identified by Government as suitable for promotion by providing reservation to Persons with Benchmark Disabilities(PwBDs). Feeder category of Electrical Inspector is Deputy Electrical Inspector . The post of Deputy Electrical Inspector is also not identified by Government as suitable for promotion by providing reservation to PwBDs. If the applicant is promoted by superseding employees senior to him, it will affect the fundamental rights of the senior employees in the cadre of Deputy Electrical Inspector and will create more ambiguities in seniority matter and more and more litigation will arise .

15) In the seniority list total number of incumbents is 56 in which the position of the applicant is 52 and his Date of Birth 31.05.1988. The Sl.No.1 in the seniority list has already promoted to the post of Electrical Inspector. If the applicant is promoted by superseding employees senior to him it will affect the fundamental rights of his senior employees in the cadre of Deputy Electrical Inspector. Most of Deputy Electrical Inspectors who are senior to the applicant have less than 10 years of service left. Promoting applicant who is very junior to them in age and

service, would significantly impact the promotion of his senior colleagues. Thus, any reliance on Section 34 of the Rights of Persons with Disabilities Act, 2016, to safeguard the interests of a single individual, where such reliance simultaneously results in the deprivation of the fundamental rights of 51 incumbents, is manifestly arbitrary and violation of constitutional guarantees.

16) Persons with Disability enjoy both the promotional benefits, as usual as other employees, and an additional benefit of the promotional avenue of 4%, which the other employees do not enjoy. It means that the persons with disabilities at present are enjoying double benefits, i.e. 1) normal promotional benefits they share with other employees, and then 2) an additional 4% of promotional benefit as per section 34. There is no let or hindrance at all for the PwDs for normal promotion. They are given unconditional promotion in every rung. The condition stipulated as per Government Order read 3rd above, is only for 4% additional promotion. Hence, 4% reservation in promotion is an additional benefit, other than the usual benefit the PwD people share with other employees.

17) The Section 2(s) of the Rights of Persons with Disabilities Act, 2016 defines a "person with disability" as a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others. It is pertinent to note that the principle of equality applies to all employees, disabled and non-disabled alike. The statutory mandate is to ensure equal participation, not preferential overtaking. If an additional 4% reservation in promotion is implemented over and above the normal promotional avenues already available to persons with disabilities, the balance of equality envisaged in Section 2(s) is disturbed. The RPwD Act, 2016 aims to remove barriers faced by persons with

disabilities, it cannot be interpreted to justify creating fresh inequities that compromise the equal footing of other employees.

18) The reservation provided to Scheduled Castes, Scheduled Tribes and Other Backward Classes has its foundation in the Constitution of India, forming part of the broader framework of social justice measures that are constitutionally guaranteed. In contrast, reservation for persons with disabilities is not a constitutional mandate but a statutory benefit created under the Rights of Persons with Disabilities Act, 2016. The Act itself, through the proviso to Section 34(1), stipulates that reservation in promotion shall be in accordance with the instructions issued by the appropriate Government from time to time. **This makes it clear that the extent and manner of implementing promotional reservation for persons with disabilities is subject to the policy decisions of the Government.** It was on this basis that G.O.read 3rd above and subsequent orders were issued, laying down the framework for Kerala State Services Rules.

19) Currently, employees with disabilities who enter service through the 4% disability reservation in State service are receiving promotions without any discrimination. If action is taken according to the Hon'ble Court's directions, employees with disabilities may receive appointments by bypassing other senior employees. As a result, these employees may repeatedly get promotions, advancing to the next promotional post immediately after completing their probation. Consequently, they may overtake many senior employees who entered service many years earlier. This could affect the overall quality of the service, lead senior employees to initiate numerous legal proceedings, and seriously disrupt the entire appointment process.

20) Social Justice Department vide U O Note read as 12th above has reported that *the Hon'ble High Court*, vide judgment dated 06.10.2025 in WA Nos. 173, 209, 382/2025, set aside the provision in Government Order read 4th above which restricted reservation in promotion only to those posts having a component of direct recruitment. However, necessary instructions have been issued to the Advocate General and that Department has initiated steps to challenge the said judgment by filing a Special Leave Petition (SLP) before the Hon'ble Supreme Court. It is also informed that any further action on the interim order dated 02.03.2026 in OA No. 288/2026 shall be subject to the legal stand taken by the Government and the final verdict of the Hon'ble Supreme Court in the proposed SLP.

21) In the light of the facts and circumstances stated above , Government have examined the matter in detail and found that the case of Sri,Nandu R is not a fit case to be placed again for the consideration of the DPC (Higher) and decided to decline the same and accordingly the directions contained in the interim order dated 02.03.2026 in OA No. 288/2026 of Hon'ble Kerala Administrative Tribunal is complied with .

(By order of the Governor)
K MANOJ KUMAR
JOINT SECRETARY

To:

The Advocate General, Kerala, Thiruvananthapuram.

The Chief Electrical Inspector, Thiruvananthapuram.

Sri.Nandu R, Deputy Electrical Inspector, Electrical Inspectorate Department (Through the Chief Electrical Inspector)

The Principal Accountant General, (Audit / A&E), Kerala, Thiruvananthapuram.

The Information & Public Relations (Web & New Media) Department

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