

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/015/2019
(Present: A.S. Dasappan)
Dated: 2nd May 2019

Appellant : Sri. K.M. Moideen
Karukappadath House,
Irinjalakkuda P.O.,
Thrissur

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Kattoor,
Thrissur

ORDER

Background of the Case:

The appellant is a domestic consumer bearing consumer number 1075 under Electrical Section, irinjalakkuda No.1. The appellant made a complaint to the Section Office relating the supply failure occurred in the premises due to burning of the fuse. Sri. Anilkumar, lineman was deputed to restore the supply. The allegation of the appellant is that due to personal grudge, the lineman broke open the terminal seal and replaced the fuse with new one. According to the appellant, for replacing the fuse, there is no need to open the terminal seal and the attitude of the lineman reveals nothing but an intentional attempt to implicate the appellant in criminal case alleging theft of energy. The appellant has filed this appeal petition with a request to take disciplinary action against Sri. K.K. Anilkumar, Lineman Gr. II, Electrical Section for misuse of official power. The CGRF, Ernakulam has dismissed the petition filed by the appellant in OP No. 57/2018-19 vide order dated 21-02-2019. Aggrieved by the decision of CGRF, the appellant has submitted the Appeal petition before this Authority.

Arguments of the appellant:

The appellant is the consumer of Kerala State Electricity Board Limited and the electrical connection is availed from the Electrical Section, Irinjalakkuda No. 1, Thrissur District. When the appellant found that there is failure in power connection due to burning of fuse, he made complaint to the concerned section office to restore connection. But the line man namely K.K. Anil Kumar deputed for the above purpose, due to personal grudge, under the guise of replacing the fuse, broke open the terminal seal and thereafter replaced the fuse with new one. For replacing the fuse, there is no necessity to break open the terminal and the attitude of the said line man reveals nothing but an intentional attempt to implicate the appellant in criminal case, alleging theft of energy. The live C.C.T.V. images reveal the dishonest intention of the said line man. The consumer immediately made complaint to the Assistant Engineer of the concerned section office and the said officer after conducting a name sake enquiry informed the appellant that no irregularities are found in the behavior of the line man. But it is clear from the reply made by the Assistant Engineer that the line man kept the terminal open and went away and there after on the complaint made by the appellant, the terminal was sealed after a couple of days at the presence of consumer.

The appellant again made complaint to the Chairman, KSEB Ltd and the said officer forwarded the complaint to the Chief Vigilance Officer. The Vigilance Wing also taken a favourable attitude towards the lineman and took no action on the complaint. The Deputy Chief Engineer also rejected the complaint made by the appellant without appreciating the material facts raised by the appellant.

Nature of relief sought

Take action against Sri. Anilkumar K.K., Lineman attached with Electrical Section, Irinjalakkuda No. 1 who made malpractices in the meter box fixed at the residential building of the appellant.

Arguments of the respondent:

The complaint of the appellant, Sri. K.M. Moideen is false, fabricated and not supported with any valid documents. The complaint is not dealt with any negligence, dereliction of duty or deficiency in service committed from the part of KSEBL officials.

On 20.06.2018, at 9.49 pm, the appellant lodged a complaint petition at the enquiry counter of Electrical Section No.1, Irinjalakuda stating that the fuse unit provided on the meter board of his service connection with Consumer No. 1156447001075 is damaged and requested to replace the same with a new one. The complaint has been recorded in the complaint register as Sl. No

58/1271/20.06.2018. On the next day, the complaint has been assigned to Sri. K.K. Anilkumar, Lineman Gr. II of the Section. At about 10 am, Sri. Anilkumar visited the premises of the appellant for attending the complaint. Since it was a minor complaint, no other staff was deputed to assist him for this work.

While reaching the house, the appellant or his family members were not available in the house and a female servant alone was there. The servant gave Sri .Anil Kumar a fuse unit, procured by the appellant for replacing the existing damaged fuse unit. On inspection, it could find that the cut out fuse unit and connecting wire from meter outgoing terminal to the cut out fuse unit were burned and to be replaced. Also it was found that the terminal cover of the S Ph energy meter is sealed and to be removed for carrying out the work. For replacing the damaged fuse unit and the outgoing terminal wire, Sri. Anilkumar, Lineman removed the meter terminal cover seal and replaced the wire and fuse unit. He closed the meter terminal cover and energized the supply without sealing the terminal cover. He returned the replaced fuse unit to the servant and left the house and intimated the matter to the section officials. The argument of the appellant that the replacement of the damaged fuse units not necessitated breaking and opening the terminal and the attitude of the said lineman reveals nothing but an attempt to implicate the appellant in criminal case, alleging theft of electricity is not true. The breaking and opening of meter terminal cover was essential to replace the wire and fuse units and the lineman has no specific and willful intention to implicate the appellant in criminal case.

Being a line staff of KSEBL ES No. 1, Irinjalakuda, Sri. Anilkumar, Lineman has just complied with the direction given to him by his superiors. The argument of the appellant that Sri Anilkumar was deputed for the work is intentional and due to personal grudge is not true. Also, the argument that Sri. Anilkumar willfully opened the meter terminal seal for an intentional attempt to implicate the appellant in criminal case alleging theft of energy is not true. There was not any dishonest intention from the part of Sri. Anilkumar and the section officials. Sri Anilkumar is an obedient and sincere employee and has never committed such dishonest activities during his entire service.

It is true that the appellant has made complaint before the Assistant Engineer immediately. Meanwhile, the Assistant Engineer along with Sub Engineers visited the premises and inspected the meter and service connection. In the inspection, it could find that the meter and allied equipments are in good working condition and are working properly. The inspection was conducted in the presence of the appellant and his friend Adv. Hassim. Assistant Engineer explained all the facts to the appellant and his friend. After inspection, the Assistant Engineer provided a new Meter Terminal Seal in the presence of the appellant. Later, the Assistant Engineer issued a detailed letter to the appellant by explaining all the facts and action taken by him related with the complaint.

Aggrieved with the decision taken by the Assistant Engineer, Sri. Moideen filed complaint petition before the Deputy Chief Engineer, Electrical Circle, Irinjalakuda and the Chairman & Managing Director of KSEBL. The CMD, KSEBL deputed the vigilance wing of KSEBL to investigate the matter and to report. All the complaints were rejected by the authorities concerned after observing that the complaint is baseless.

Later the appellant filed complaint before the CGRF, Ernakulam requesting to initiate disciplinary action against the lineman. After analyzing the facts and hearing both sides, the Forum has also dismissed the petition in the assumption that the complaint of the consumer is totally baseless and has no merits.

Analysis and Findings: -

The hearing of the case was conducted on 09-04-2019 in my chamber at Edappally, Kochi. Sri Moideen, the appellant has appeared for the hearing and Sri. P Jayachandran, Assistant Executive Engineer, Electrical Sub Division, Kattoor, Thrissur, has appeared for the respondent's side. The appellant requested to postpone the case as his advocate is not present following illness and the appellant is in the problem of hearing. Another hearing was conducted on 29-04-2019 in my chamber at Edappally, Kochi and Sri Moideen, the appellant and Sri. Mansoor B.M. have appeared for the hearing. On examining the petition, the counter statement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

The appellant approached this Authority by filing a petition for taking appropriate disciplinary action against the alleged Lineman Sri. Anilkumar of Electrical Section, Irinjalakuda No.1. During the hearing, the appellant has contended that the breaking of the terminal cover seal of the energy meter is with an intention to implicate the appellant for the charge of theft of energy and hence requested to take action against the responsible staff.

The procedure for taking disciplinary action against an employee of the Licensee is a detailed process and the authority empowered with such actions are the duly designated officers of the Licensee. Further the grievance of the appellant not comes under the definition of 'complaint' specified in the rules and also no other grievance connected with the supply of energy.

The Ombudsman and CGRFs have no power or jurisdiction to take disciplinary action against the staff of the licensee, who had committed malpractices, dereliction of duty and negligence during the course of his

employment. As per the rules, a case of negligence and irresponsible action on the part of the employees of the licensee is beyond the powers of CGRF and Electricity Ombudsman. Further, any such disputes pertaining under Sections 126 and 135 of Act are not maintainable before CGRF and Electricity Ombudsman by virtue of Clause 2(1)(f)(vii)(1) of KSERC (CGRF & Electricity Ombudsman) Regulations, 2005. At present the appellant has no grievance except the allegation raised against Sri. Anilkumar, the Lineman.

Decision

As this Authority has no power or jurisdiction to take disciplinary action or conduct enquiry against the staff of the licensee who had committed mal practices and negligence, it is held that the appeal petition filed by the appellant is not maintainable and hence dismissed.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is rejected. The order of CGRF, Northern Region in Petition No. OP/57/2018-19/dated 21-02-2019 is upheld. No order on costs.

ELECTRICITY OMBUDSMAN

P/015/2019/_____ /Dated:_____

Delivered to:

1. Sri. K.M. Moideen, Karukappadath House, Irinjalakkuda P.O., Thrissur
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kattoor, Thrissur

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, CGRF-CR, 220 kV, KSE Board Limited, Substation Compound, HMT Colony P.O., Kalamassery, PIN: 683 503.