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31/7/17



GOVERNMENT OF KERALA

Abstract

Forest & Wildlife Department- Irregularities in the construction of trek path in Mannarkkad and Attappady Range in Mannarkkad Division-Review petition submitted by S/Shri.J.R.Ani, Range Forest Officer, P.M.Abdul Razak, Range Forest Officer, P.Vasudevan, Forester-Finalized-Orders issued.

FOREST & WILDLIFE (A) DEPARTMENT

G.O.(Rt)No.271/2017/F&WLD

Dated, Thiruvananthapuram, 21.07.2017

- Read:-
1. G.O.(Rt) No.235/2012/F&WLD dated 15.05.2012.
 2. Review petition dated 14.08.2012 of Shri.P.M.Abdul Razak, Range Officer.
 3. Review petition dated 15.09.2012 of Shri.P.Vasudevan, Forester.
 4. Review petition dated 19.07.2012 of Shri.J.R.Ani, Range Forest Officer.
 5. Review petition dated 07.09.2012 of Shri.N.Surendran, Forester.
 6. Letter No.B7-19714/05 dated 03.04.2013 of Additional Principal Chief Conservator of Forest (D&P).
 7. Government letter No.10642/A1/2012/F&WLD dated 30.10.2013.
 8. Letter No.A1(1) 11822/13/GW dated 15.06.2016 of the Secretary, Kerala Public Service Commission, Thiruvananthapuram.

ORDER

In connection with the irregularities in the construction of trek path in Mannarkkad and Attappady Ranges of Mannarkkad Division, the disciplinary action initiated against the following officials were finalised as per the Government Order read as 1st paper above.

- 1) Sri.K.O.Jose, Divisional Forest Officer
- 2) Sri. J.R.Ani, Range Officer
- 3) Sri.V.M. Poullose, Deputy Ranger
- 4) Sri.P.M. Abdul Rassaq, Dy. Ranger
- 5) Sri.G.Mohandas Kurup, Dy.Ranger
- 6) Sri.P.V.Vinodkumar, Forester
- 7) Sri.N. Surendran, Forester
- 8) Sri.C. Abdul Gafoor, Forester
- 9) Sri.P. Vasudevan, Forester

2) Out of this S/Sri. J.R, Ani, Range Officer, P.M. Abdul Rassaq, Deputy Ranger, P. Vasudean, Forester and N. Surendran, Forester have submitted review petitions read as 2nd to 5th paper above.

3) The Disciplinary Action against the above officials were finalised as follows:-

1. Sri. J.R. Ani, Range Officer - Recovery of Rs. 5,18,423/- and barring of two increments with cumulative effect.
2. Sri. P.M.Abdul Razaq, Deputy Ranger- Recovery of Rs. 1,63,714/- and barring two increments with cumulative effect.
3. Sri. N.Surendran, Forester - Recovery of Rs. 1,58,313/- and barring two increments with cumulative effect.
4. Sri. P.Vasudevan, Forester - Recovery of Rs. 58,195/- and barring one increment with cumulative effect.

4) As per the reference read as 6th paper above Additional Principal Chief Conservator of Forests (D&P) has furnished his remarks on the review petitions.

5) On the contentions raised by Sri.J.R.Ani, in his review petition it is noted that the splitting of estimates was at the instance of Divisional Forest Officer, who passed all of them as mentioned in the report of inquiry officer. Sanctioning and tendering of civil works is done at the level of Divisional Forest Officer and not by the Range Officer. Hence Sri. J.R. Ani, Range Officer is not as much responsible as Divisional Forest Officer.

6) The contention of the petitioner that in arriving at the mahazar loss, the Inquiry Officer hadn't taken cognizance of his submissions regarding the inadequacies of mahazar assessment, merits consideration in view of the heavy rainfall that is reported to have lashed the region which resulted in damage to the retaining walls and trek paths and thus the losses calculated by the Flying Squad has not taken the damages into account while calculating the loss. Moreover, the mahazar is written much after the works were actually carried out, thus correct recordings could not have been made due to damage caused by heavy rain while writing the mahazar by Flying Squad.

7) The fact that he was a new entrant into Government service (with less than a couple of years field experience) also merits a sympathetic consideration particularly when he is saddled with such heavy works. It is quite possible that he erred on a few fronts but the fact that all the estimates were sanctioned by the Divisional Forest Officer, indicates Divisional Forest Officer's all round failure in guiding his subordinates.

8) It is a recorded fact that not all points raised by the delinquents could be replied to by the officers initiating mahazar at the time of cross examination during the formal enquiry. But to review the works vis a vis mahazar loss estimated would be practically not feasible especially in case of seasonal works

that were under scrutiny. As such government loss estimated in the said case may be treated as final and to be recovered. Contentions raised by S/Sri.P.M.Abdul Razak, Range Officer, Surendran, Forester and Vasudevan, Forester are same as that of Sri. J.R. Ani.

9) The Additional Principal Chief Conservator of Forests (D&P) has further furnished the following points for considering the facts on humanitarian perspective:-

- (i) The Review petitioners were placed under suspension for more than one year
- (ii) They had been superseded many a time for promotion, pending finalization of this case, apart from losing seniority and service in the present post.

10) In light of the points raised above, considering the fact that the assessed loss is proposed to be recovered, Additional Principal Chief Conservator of Forests (D&P) has requested to take a lenient view to review the award of punishments inflicted upon the petitioners by reducing the barring of increments from cumulative to non-cumulative ones.

11) Considering the report of Additional Principal Chief Conservator of Forests (D&P) on the review petitions, and that the petitioners were under suspension for more than one year and superseded for promotion apart from losing seniority and service and that it was decided to recover the Government loss from the petitioners, Government have decided to reduce the punishment awarded to Sri. J.R. Ani, Range Forest Officer, Sri. P.M. Abdul Razaq, Range Forest Officer, and Sri.N.Surendran, Forester for reducing two increments with cumulative effective to bar one increment with cumulative effect. In the case of Sri.P.Vasudevan, Forester only one increment is barred with cumulative effect, there is no need for change in punishment awarded to him.

12) Government sought the advice of the Kerala Public Service Commission in the above matter vide Government letter read as 7th paper above and the Commission agreed the tentative decision taken by the Government and advised Government accordingly vide their letter read as 8th paper above.

13) But Shri.N.Surendran & Vinod Kumar P.V. Filed O.A. 216/15 challenging Government Order read as 1st paper above. As per the order dated 25.11.2015 in O.A. 216/15 the Hon'ble Kerala Administrative Tribunal stayed the recovery of amounts from the applicants pursuant to Government order read as 1st above and still the stay order is in force.

14) In the above circumstances, Government have decided to finalise the review petitions of S/Shri.J.R.Ani, Range Officer, P.M. Abdul Rassaq, Range Officer, P. Vasudean, Forester only.

15) Hence Government hereby orders to ~~the~~ recover the Government loss from the officers as ordered in the Government Order read as 1st paper above and to reduce the punishment awarded to S/Shri.J.R, Ani, Range Officer, P.M. Abdul Rassaq, Ranger Officer to barring one increment with cumulative effect and in the case of Shri.P.Vasudevan, Forester as only one increment is barred with cumulative effect, there is no need for change in punishment awarded to him. Review petitions read as 2nd to 4th papers above are disposed off accordingly.

16) The review petition submitted by Sri.N.Surendran, Forester will be finalised subject to the final order in O.A. 216/2015.

By Order of the Governor

P.H.Kurian

Additional Chief Secretary to Government

The Additional Principal Chief Conservator of Forest (Administration)
Shri.J.R, Ani, Assistant Conservator of Forest } (through Additional Principal
Shri.P.M. Abdul Rassaq, Range Forest Officer } Chief Conservator of Forest
Shri.P. Vasudevan, Forester } (Administration)

The Secretary, Kerala Public Service Commission, Pattom,

Thiruvananthapuram (with C/L as per Lr.No. A1(1) 11822/13/GW
dated 15.06.2016)

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

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

Stock File/Office Copy.

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Forwarded/By Order

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Section Officer