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7/1/20



GOVERNMENT OF KERALA

Abstract

Forest & Wildlife Department- Judgment of the Hon'ble High Court of Kerala, dated 05.08.2020 in OP (KAT) No. 118 of 2016 (z) filed by Sri.C.K.Suresh Babu, Range Forest Officer (Retired)-Complied with - Orders issued.

FOREST & WILDLIFE (A) DEPARTMENT

G.O.(Rt)No.317/2020/F&WLD Dated,Thiruvananthapuram, 14/12/2020

- Read 1 Order No. E1-6334/03 dated 05.11.2007 of the Divisional Forest Officer, South Wayanad Division.
- 2 Order dated 26.04.2010 of the Hon'ble Lok Ayukta in Complaint No. 1827/2007 filed by Sri C. K Suresh Babu, Range Forest Officer (Retired).
- 3 Order dated 02.11.2010 of the Hon'ble High Court of Kerala in WP(C)No. 33269/10 filed by Sri C. K Suresh Babu, Range Forest Officer (Retired).
- 4 GO (Rt) No.212/11/F&WLD dated: 17/05/2011.
- 5 Order dated 27.07.2016 of the Hon'ble Kerala Administrative Tribunal in O. A No.1156/2013 filed by Sri C. K Suresh Babu, Range Forest Officer (Retired).
- 6 Judgment dated 05.08.2020 of the Hon'ble High Court of Kerala in OP (KAT) No. 118 of 2016 (z) filed by Sri.C.K.Suresh Babu, Range Forest Officer (Retired).

ORDER

The Accountant General (Audit), Thrissur, in the local audit report for the period from 01.04.2003 to 03.03.2004 had observed that there was a Government loss of Rs.1.393 crores due to missing of rosewood and teak timber and billets extracted from the area of the Wayanad Colonization Scheme. As Sri.C.K.Suresh Babu, who had worked as Range Forest Officer, Kalpetta from 05.06.98 to 25.06.98 and from 30.06.2002 to 31.12.2003, was found responsible for part of the loss, an amount Rs 2.38,581/- was fixed as his liability.

- 2) As per order read as 1st paper above, the Divisional Forest Officer, South

Wayanad Division issued orders to recover the liability from the DCRG of Sri C. K Suresh Babu, Range Forest Officer (Retired). Against this order, Sri.Suresh Babu filed an appeal before the Government. He also preferred a complaint NO.1827/07 before the Honourable Lok Ayukta against fixing the liability. However, the Honourable Lok Ayukta, as per Order read as 2nd paper above, dismissed his petition pronouncing that he is not entitled to any amount of DCRG as the liability of the petitioner exceeded his DCRG. Though Sri.Suresh Babu filed WP(C) No. 33269/10 before the Hon'ble High Court, the same was dismissed as per the order read as 3rd paper above, directing the Secretary to Government to dispose the appeal filed by the petitioner before the Government, within three months from the date of receipt of copy of the judgement. Accordingly Government, as per the order read as 4th paper above, rejected the appeal petition filed by Sri.C.K.Suresh Babu.

3) Thereafter, the petitioner filed O.A.No.1156/2013 before the Kerala Administrative Tribunal challenging the orders passed by the Government dismissing the appeal filed by him, and thereby confirming the order passed by the Divisional Forest Officer. However, the Hon'ble Kerala Administrative Tribunal, as per the order read as 5th paper above, rejected the petitioner's claim and confirmed the view of the Government. Against this, Sri.C.K.Suresh Babu filed OP (KAT) No. 118 of 2016 (z) before the Honourable High Court of Kerala and the Honourable High Court, as per the order read as 6th paper above, passed the following:

(i) Impugned order dated 27.7.2016 in O.A.No.1156/2013 is set aside and the original application is allowed.

(ii) Order dated 5.11.2007 (Annexure 3) order dated 15.11.2012(Annexure 8) and appellate order dated 17.05.2011(Annexure) stands set aside.

(iii) The amount payable to petitioner as DCRG shall be given back within one month from the date of receipt of a copy of this judgment. The said amount of DCRG shall carry interest at the rate of 6% per annum from 1.1.2004 till payment.

4) In the circumstances, Government have examined the matter in detail and are pleased to issue orders to release the DCRG due to Sri.C.K Suresh Babu, Range Forest Officer (Retired) with interest at the rate of 6% per annum from 1.1.2004 till payment, as ordered by the Honourable High Court of Kerala in the judgment read as 6th paper above. The interest is to be paid from the Head of Account '2071-01-104-88(C) NP'. The Additional Principal Chief Forest Conservator (Administration) is authorized to take urgent necessary steps for the disbursement as ordered above. The Judgement of the Hon'ble High Court of Kerala in OP (KAT) No. 118 of 2016 (z) is complied with accordingly.

(By order of the Governor)
K.SURESHKUMAR
JOINT SECRETARY

To:

The Principal Chief Forest Conservator & Head of Forest Force

Additional Principal Chief Conservator of Forest (Administration) (File.No. B1-23749/2010)

Sri.C.K.Suresh Babu ,Range Forest Officer, Retired

[through the Additional Principal Chief Conservator of Forest (Administration)]

Advocate General Kerala ,Ernakulam (with C/L).

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

Information & Public Relations (Web & New Media) Department

Forest &wildlife (PS) Department

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Section Officer

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