



GOVERNMENT OF KERALA

Abstract

Forest & Wildlife Department-Kerala Forest Development Corporation (KFDC)-Judgment dated 26/11/2020 of the Hon'ble High Court of Kerala in W.F(C) No.26096 of 2020 (J) filed by Habeeb Hassan P.C and others - Complied with - Orders issued.

FOREST AND WILDLIFE (D) DEPARTMENT

G.O.(Rt)No.164/2021/F&WLD Dated,Thiruvananthapuram, 01/06/2021

- Read 1) G.O.(P)No.383/75/ AD dated 16/12/1975.
2) G.O.(Ms)No.59/86/FE&WL dated 24/06/1986.
3) G.O.(Ms)No.34/2005/F&WLD dated 19/04/2005.
4) GO(P) No. 60/2010/F&WLD dated 30/08/2010
5) Representation dated 27/01/2021 from Sri. Nelson Paul.T and 22 Field Officers in Kerala Forest Development Corporation Ltd.
6) Judgment dated 26/11/2020 of the Hon'ble High Court of Kerala in W.P(C) No.26096 of 2020 (J) filed by Habeeb Hassan P.C and others.
7) Letter No. E1/948/2021 dated 19/03/2021 from the Kerala Forest Development Corporation.

ORDER

As per the Judgment referred as 6th paper above the Hon'ble High Court had directed the competent Secretary of the Government to take up Exhibit P12 representation of the petitioners and dispose it of, after affording them as also the authorized officer of the second respondent, an opportunity of being heard, as expeditiously as possible, but not later than two months from the date of receipt of a copy of this judgment.

2. On the basis of the order of Hon'ble High Court the petitioners and the second respondent were heard on 19/03/2021. The gist of the case is that the petitioners are working as Field Officers in the Kerala

Forest Development Corporation Ltd (KFDC). They requested Government to equate the post of Field Officer in KFDC to that of Deputy Range Officer in the Forest Department. As per G.O read 1st paper above Field Assistant in KFDC was equated to the rank of Deputy Ranger in Forest Department. Later as per G.O read as 2nd paper above, Service Rule of the KFDC had been formulated. Therein the post of Field Assistant was split as two posts by creating a promotion post namely, Field Assistant Grade II (entry post) and Field Assistant Grade I (promotion after 5 years of service). Thereafter, as per G.O read as 3rd paper above Revised Service Rules come into force, where in, the posts of Field Assistant Grade II and Field Assistant Grade I were renamed as Field Officer and Assistant Manager respectively. Even though, as per the G.O read 1st paper above the status of the above two posts are remained equal to the Deputy Ranger till now. But, now Government propose to change the present status by amending the G.O 1st cited equating the post of Field Officer to that of Section Forest Officer in Forest Department and the post of Assistant Manager to that of Deputy Ranger in Forest Department. During the hearing petitioners pointed out that the qualification of Section Forest Officer is 'pass in pre degree of a recognized University or its equivalent' and the qualification of Field officer in KFDC is 'Science Degree of a recognized University or its equivalent'. Therefore the rank of Field Officer posts in KFDC need to be equated to the rank of Deputy Range Officer (next promotion post of Section Forest Officer) with equal pay and allowances to that of Deputy Ranger in Forest Department, when revising the GO 1st cited, as the qualifications of both posts are entirely different.

3. As per the argument note read 7th paper above, the Managing Director Kerala Forest Development Corporation has stated that, the appointments to the posts in all the category are made by the competent authority, in accordance with the methods and qualifications as prescribed in the Service Rules of KFDC. The post of Field Officer is one of the entry post in KFDC. The qualification prescribed for the post is Science Degree of a recognized University or its equivalent and necessary physical measurements. The pay scale of the post is equated to that of the post of Forester (Section Forest Officer) in Kerala Forest Department. The Assistant Manager is the next promotion post of Field Officer and the pay scale of the post is equated to that of Deputy Ranger in Forest Department.

4. KFDC is also emphasized that, it is very clear that the post of Assistant Manager is the promotion post of Field Officer. The averment of the petitioners in comparing the qualification of the post of Field Officer to that of Deputy Ranger (Assistant Manager) is baseless and wrong. The post of Field Officer is an entry post in the technical category. The nature of job, method of appointment, qualification and scale of pay of the posts is different from the post of Assistant Manager which is equated to the post of Deputy Ranger. Since the post of Field officer is the entry post, the officers have to engage in execution of protection works, supervisory works etc. Hence, there is no merit in the contention of the petitioners.

5. Government have examined the matter in detail, with reference to the Service Rules of KFDC and report of MD, KFDC. The G.O read as 1st paper above was issued well before the formation of Service Rules of the KFDC. The Service Rules of the Corporation came in to force in 1986 as per G.O read as 2nd paper above and later as per G.O read as 3rd paper above the Service Rules of KFDC was revised in the year 2005. The Service Rule of the Company is the base of service matters of all employees of the Company. As per Rule (3) 'Constitution' of the Service Rules of the Kerala Forest Development Corporation, (GO read as 3rd paper above) the posts of Field officer is equivalent to the posts of Forester (Section Forest Officer) in Forest Department for the purpose of fixation of pay, w.e.f 19/04/2005.

6. The post of Field Assistant which prescribed in the GO read as 1st paper above was spited as two posts by creating a promotion post and which incorporated in the Service Rules of KFDC (ie, G.O read as 2nd paper above) as Field Assistant Grade II and Field Assistant Grade I as two posts with higher pay to Field Assistant Grade I than the Grade II, later as per GO read 3rd paper above (Revised Service Rule) the posts of Field Assistant Grade I & II were re-designated as Field Officer and Assistant Manager respectively. The Field Officer is an entry cadre post in KFDC with degree qualification. But as per GO read as 4th paper above the Section Forest Officer in Forest Department is not an entry cadre post, it is promotion posts of Beat Forest Officers and the qualification of Beat Forest Officer is pass in Plus-Two. The Assistant Manager in KFDC is equivalent to the posts of Deputy Ranger in Forest Department. The Assistant Manager is the promotion post for Field Officers. The

qualification for the post of Assistant Manager is 5 years of service as Field Officer. An entry cadre post in a Public Sector Undertaking cannot be comparable with the Promotion post in Government Department. The status, qualification and pay scale of posts in each department and corporation are determined by the requirements of the respective institutions. It is not feasible to have a unified system in this regard. Moreover, there is no warranting situation to equate the post of Field Officer in KFDC to that of Deputy Range Officer in Forest Department merely considering the qualification of the two posts.

7. In the above circumstances the Exhibit P12 representation read as 4th paper above submitted by Field Officers in KFDC is rejected and Judgment of the Hon'ble High Court of Kerala read as 5th paper above is thus complied with.

(By order of the Governor)
K.sureshkumar
Additional Secretary

To:

The Principal Chief Conservator of Forests and Head of Forests Force.
The Managing Director, Kerala Forest Development Corporation.
Sri.Habeeb Hassan P. C. (Field Officer, KFDC), Alinthara,
Neeleswaram P.O., Omassery, Kozhikode - 673 582.
Sri. Subash Y. S.(Field Officer, KFDC), Aluvila Vadakkethattu Puthen
Veedu, Elluvila P.O., Thiruvananthapuram - 695 504.
Sri. Visanth V. S. (Field Officer, KFDC), Visanth Bravan, Pathiricode,
Vinobanikethan P.O., Thiruvananthapuram-695 541.
Sri. Dipin U. (Field Officer, KFDC), Padmalayam, Thalappuzha P.O.,
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Sri. Rajesh Kumar R. (Field Officer, KFDC), Rohini Bhavan, Kallamam,
Pattakulam P. O., Panniyodu, Thiruvananthapuram - 695 575.
Sri. Aneesh A. J. (Field Officer, KFDC), Manaveli Veedu, Mamkoottam,
Thirupuram P.O., Trivandrum - 695 133.
Sri. Aravindu Vishnu U. (Field Officer, KFDC), Urumbil, Kannimala
P.O., Kottayam.
Sri. Prabin P. B. (Field Officer, KFDC), Lathika Mandiram,
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Sri. Kiran B. Anand (Field Officer, KFDC), Anand Bhavanam,Ulavukkadu, Nooranadu P.O., Alappuzha - 690 504.

Sri. Jithu A., Field Officer (Field Officer, KFDC), Jessy Mandiram,Koduvial P. O., East Kallada, Kollam - 691 502.

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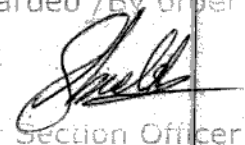
Sri.Nelson Paul T. (Field Officer, KFDC), Chittilappily Thommana House, Elinjipra P.O., Chowka, Chalakudy, Thrissur - 680 721

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

The Director, Information and Public Relations (W&NM) Department (for uploading in Government website.)

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Section Officer