

18391
2118114



GOVERNMENT OF KERALA

Abstract

Forest & Wildlife Department- Review petition submitted by Shri.K.K.Chandran, Deputy Conservator of Forest (Rtd)-Finalized-Orders issued.

FOREST & WILDLIFE (A) DEPARTMENT

G.O.(Rt)No.302/2017/F&WLD

Dated, Thiruvananthapuram, 06.08.2017

- Read:-
1. G.O.(Rt) No. 234/11/F&WLD dated 02.06.2011.
 2. Review petition dated 25.05.2011 of Sri. K.K. Chandran, Deputy Conservator of Forests (Retired).
 3. G.O.(Rt) No. 102/12/F&WLD dated 18.02.2012.
 4. Review petition dated 19.03.2012 of Sri. K.K. Chandran, Deputy Conservator of Forests (Retired)
 5. Government letter No. 4126/A1/12/F&WLD dated 05.06.2012.
 6. Review petition dated 19.06.2012 of Sri. K.K. Chandran, Deputy Conservator of Forests (Retired).
 7. Government letter No. 8609/A1/12/F&WLD dated 14.11.2012.
 8. Review petition dated 27.11.12 of Sri. K.K. Chandran, Deputy Conservator of Forests (Retired).
 9. Government letter No.15595/A1/2012/F&WLD dated 04.12.2013.
 10. Letter No. A1(1)444/2014/GW dated 01-10-2014 of Secretary, Kerala Public Service Commission, Thiruvananthapuram.
 11. Government letter No.15595/A1/2012/F&WLD dated 25.11.2014.
 12. Letter No.SS.59/2014/AG dated 20.02.2015 of the Advocate General, Ernakulam.
 13. Government letter No.15595/A1/2012/F&WLD dated 19.06.2015.
 14. Letter No. A1(1)444/2014/GW dated 24.02.2016 of Secretary, Kerala Public Service Commission, Thiruvananthapuram.

ORDER

In connection with the irregularities in the unwarranted construction of 500 jundas in the vested forest area in Manchucholamala in Kottenchery in Kanhangad range during 1997- 98, disciplinary action was initiated against Sri.K.K.Chandran, Deputy Conservator of Forests(Rtd) and the same was finalized by awarding him the punishment of reduction in pension for Rs. 200/- per month permanently and to recover Rs. 9,14,964/- (Nine lakh fourteen

thousand nine hundred and sixty four only) from him under Rule 3 Part III KSR as per the Government Order read as 1st paper above.

2) Against the same Shri. Chandran, submitted a petition read as 2nd paper above before the Government contending that sufficient opportunity was not given to him to defend his case. He also submitted that the cases were framed to tarnish his personal integrity. Government considered his petition as a review and the petitioner was heard on 16/12/2011 by the then Principal Secretary, Forest & Wildlife Department. Government examined his case in detail with reference to all connected records and found that there was no justification for a review in favour of the delinquent officer and hence the review petition was also rejected as per Government Order read as 3rd paper above.

3) Against the Government decision Sri.K.K.Chandran submitted another review petition read as 4th paper above which was also rejected as per the Government letter read as 5th paper above.

4) Once again Sri.K.K.Chandran submitted a review petition read as 6th paper above and the same was rejected as per Government letter read as 7th paper above informing that no further request in this regard will be entertained.

5) Sri. K.K. Chandran has submitted one more review petition as per the reference read as 8th paper above. The main contention in the Review petition was that jurisdiction conferred under Rule 39 of Part II of Kerala State and Subordinate Services Rules, 1958 may be invoked for cancelling the implementation of Government Order.

6) Government sought the advice of the Kerala Public Service Commission in the above matter as per the letter read as 9th paper above.

7) But the Commission disagreed with the Government proposal to invoke Rule 39 Part II of KS&SSR to exonerate the delinquent and advised the Government accordingly vide their letter read as 10th paper above.

8) Also Government have sought the advice of Advocate General in this matter as per the letter read as 11th paper above.

9) Advocate General has furnished his remarks as per the letter read as 12th paper above. He has remarked that there is justification for the Government to have a second look of the matter for the purpose of doing complete justice to a party and by so doing, the technicality shall not be a bottle neck for such a discretionary exercise. The Advocate General, Ernakulam advised that though technically a second review is not maintainable, the Government is not debarred from having a second look on the whole issue on the basis of subsequent revelation of material facts which were unnoticed and overlooked in the earlier adjudications.

10) Based on the remarks of the Advocate General and taking a lenient view Government had decided to reduce the punishment of deduction of Rs.200/- from pension ordered as per Government Order read as 1st paper above to

Rs.100/-, keeping alive the decision to recover the Government loss of Rs.9,14,964/- from his DCRG of Shri.K.K.Chandran as ordered therein.

11) Government sought the advice of the Commission on this decision as per the reference read as 13th paper above.

12) The Commission examined the case with connected records and found that no new material facts or any change of circumstances have been revealed subsequently in this case and hence the tentative decision taken by the Government afresh is not proper in the eye of law. The Commission therefore decided to stick on to its earlier decision and advise the Government accordingly as per the letter read as 14th paper above.

13) Government have re-examined the case in detail and orders to reduce the punishment of deduction of pension ordered vide Government Order read as first paper above from Rs.200/- to Rs.100/-, keeping alive the decision to recover the loss of Rs.9,14,964/- from the DCRG of Shri.K.K.Chandran.

14) Review Petition read as 8th paper above is disposed off accordingly.

By Order of the Governor

Tom Jose

Additional Chief Secretary to Government

The Additional Principal Chief Conservator of Forest (Administration)
Shri.K.K.Chandran, Deputy Conservator of Forest (Rtd) (through Additional
Principal Chief Conservator of Forest (Administration)
The Secretary, Kerala Public Service Commission, Pattom,
Thiruvananthapuram(with C/L as per Lr.No. A1(1) 444/2014/GW
dated 24.02.2016)

The Advocate General, Ernakulam (with C/L)
The Principal Accountant General (A&E/Audit), Thiruvananthapuram
Information & Public Relations (Web&New Media) Department
Stock File/Office Copy.



Forwarded/By Order



Section Officer