

22286

7/12/19



**GOVERNMENT OF KERALA**

**Abstract**

Forest & Wildlife Department- Judgement of Hon'ble Kerala Administrative Tribunal dated 04.09.2019 in OA(EKM) 1556/2019 filed by Sri.P.V.Kunju Mathai, Retired Section Forest Officer- Complied with - Orders issued.

**FOREST&WILDLIFE(A) DEPARTMENT**

**G.O.(Rt)No.482/2019/F&WLD** Dated,Thiruvananthapuram,  
01/12/2019

- Read 1 Order No. TC-2-3811/06 dated 17/07/2008 of Divisional Forest Officer Thrissur.
- 2 Order No. G1-2628/09 dated 16/11/2009 Thrissur Central Circle Forest Conservator
- 3 Order No. -B6-4319/10 dated 04/05/2011 of Additional Principal Chief Forest Conservator (Administration)
- 4 Representation dated 01/09/2019 submitted by Sri.P.V.Kunju Mathai, Retired Section Forest Officer
- 5 Judgement of Hon'ble Kerala Administrative Tribunal dated 04.09.2019 in OA(EKM) 1556/2019 filed by Sri.P.V.Kunju Mathai, Retired Section Forest Officer

**ORDER**

Sri.P.V.Kunju Mathai, While working as Forest Guard in Machad Range, Elanad Forest Station, Thrissur district, was placed under suspension on 06.07.2006 as he refused to take up the charge of Secretary of Vanasamrakshna Samathi and showed arrogant behaviour towards his superior Officer that amounted to insubordination and violation of the code of conduct. He was reinstated on 05/04/2008. A punishment of withholding of one annual increment without cumulative effect was imposed on him and the period of suspension was regularised as eligible leave as per the order read as 1<sup>st</sup> paper above. His

Appeal against the punishment was rejected by the Central Circle Forest Conservator Thrissur as per the order read as 2<sup>nd</sup> paper above . Against the order, Sri.P.V.Kunju Mathai approached Principal Chief Conservator of Forest (Forest Management) and as per the order read as 3rd paper above, the PCCF upheld the punishment of barring one annual increment without cumulative effect and ordered to regularize the period of suspension as duty for the purpose of pension only. Against this order Sri.P.V Kunju Mathai submitted representation before Government as per the letter read as 4<sup>th</sup> paper above for regularising the period of suspension as duty for all purposes including Pay and Allowances and to disburse the consequential benefits .He filed OA (EKM) 1556/2019 before the Hon'ble Kerala Administrative Tribunal with the same prayer.

2) As per the judgement read as 5<sup>th</sup> paper above, the Hon'ble Kerala Administrative Tribunal (Additional Bench Ernakulam) ordered to consider the representation and pass orders after hearing the applicant as expeditiously as possible and at any rate within a period of three months from the date of receipt of the certified copy of the order, Hon'ble Tribunal directed to look into the non disbursement of DCRG also .

3) As such Sri. P.V.Kunju Mathai was heard in person on 07/11/2019, Government have examined the representation from the applicant and the report from the Additional Principal Conservator of Forests in detail and viewed that the behaviour of the applicant was not what was expected from the member of a disciplined force and it was beyond doubt insubordination and hence penalty was imposed on him to the effect of barring one annual increment without cumulative effect. As per the provisions in Rule 56,Part I,Kerala Service Rules, suspension period can be treated as duty for all purposes including Pay and Allowances only if he is fully exonerated of all charges. Sri.P.V Kunju Mathai's punishment of withholding one increment without cumulative effect is upheld and hence the request cannot be allowed.

4) In the above circumstances the representation submitted by Sri.P.V Kunju Mathai, Section Forest Officer (Rtd) is hereby rejected and Principal Chief

Forest Conservator is hereby directed to disburse the DCRG, if it is not done, at the earliest after completing all formalities and as per the existing rules and regulations. The Judgement of Hon'ble Kerala Administrative Tribunal in OA(EKM) 1556/2019 is complied with accordingly.

(By order of the Governor)  
**DR.ASHA THOMAS IAS**  
**ADDITIONAL CHIEF SECRETARY**

To:

The Additional Principal Chief Conservator of Forest (Administration)

Shri. Sri.P.V.Kunju Mathai, Retired Section Forest Officer

(through Additional Principal Chief Conservator of  
Forest (Administration))

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

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

Information & Public Relations (Web&New Media) Department

Forest &wildlife (PS) Department

Stock File/Office Copy.

Forwarded /By order

Signature valid  
Digitally signed by Ravi V. K. Iyer  
Date: 2019.12.02 12:28:15 +05'30'  
Reason: Approved

Section Officer