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9/2/18



GOVERNMENT OF KERALA

Abstract

Forest & Wildlife Department-Review petition of Shri.K.Vijayakumar, Deputy Conservator of Forest (NC) (Rtd)-Rejected - Orders issued.

FOREST & WILDLIFE (A) DEPARTMENT

G.O.(Rt) No.509/2017/F&WLD

Dated, Thiruvananthapuram 28.12.2017

- Read:-
- 1) G.O(Rt)No.6095/97/GAD dated 14.07.1997
 - 2) Memo of Charges & Statement of Allegations No. 7351/A1/97/F&WLD dated 23.03.2000.
 - 3) G.O(Rt)No.454/2000/ F&WLD dated 30.09.2000.
 - 4) G.O(Rt)No.461/2001/ F&WLD dated 31.10.2001.
 - 5) Show Cause Notice No.3838/A1/2001/F&WLD dated 08.06.2007.
 - 6) Explanation dated 12.10.2007 submitted by Sri.K.Vijayakumar.
 - 7) Letter No. A1A(3) 1719/08/GW dated 06.02.2008 of the Secretary, Kerala Public Service Commission, Thiruvananthapuram.
 - 8) G.O(Rt)No.520/08/F&WLD dated 25.10.2008.
 - 9) Review Petition dated 02.02.2009 of Sri.K.Vijayakumar, Deputy Conservator of Forest (Rtd).
 - 10) Letter No.B2-7769/12 dated 27.02.2013 of the Additional Principal Chief Conservator of Forest (D&P).
 - 11) Government letter No.14127/A1/2012/F&WLD dated 12.05.2016.
 - 12) Letter No. AI(3)4125/16/GW dated 09.12.2016 of Secretary, Kerala Public Service Commission, Thiruvananthapuram.

ORDER

A Crime Case No. 12/87/Kollam was registered and investigated by the Vigilance Police, Kollam Unit against the Forest Officials on the allegation that they were responsible for the execution of 27.35 Ha Plantation of Agave under the 220 KV Line in Naduvathumoozhi Territorial Forest Range of Konni Division under Rural Fuel Wood Scheme raised during 1985-88 spending an amount of Rs. 1,62,848.74/- which caused a considerable wastage of Government money. Out of the six accused officers, Vigilance Department recommended Departmental action against Sri. Chand Basha IFS and Sri. K. Vijayakumar, the then Naduvathumoozhy Range Officer retired as Assistant Conservator of Forests. The disciplinary action against Sri. Chand Basha IFS was dropped by

Government as per the Government order read as first paper above. As recommended by the Vigilance Department, Memo of Charges/Statement of Allegations given to Sri. K. Vijayakumar, Assistant Conservator of Forests vide second paper above.

2) In the Written Statement of Defence submitted, Sri. Vijayakumar denied all the charges levelled against him and requested to conduct an enquiry in this case. Government examined the case in detail and a formal enquiry was ordered as per the Government Order read as third paper above.

3) But based on the advice of the Vigilance Department, Government Order read as third paper above was cancelled vide Government Order read as fourth paper above. Since he was due to retire from service on 30-04-2007 and the disciplinary proceedings had been pending, Government found it necessary that he would be heard in person to give him an opportunity to vindicate himself. Accordingly he was heard by the Additional Secretary, Forest & Wildlife Department on 18-04-2007. The case was examined in detail with reference to the connected files, the explanation and the note submitted by the accused officer at the time of hearing, the remarks of the Chief Conservator of Forests (Regional South), Kollam and the Chief Conservator of Forests (Administration). In the Vigilance enquiry it has come out in evidence that the amount of Rs. 85042/- had been charged by him as per bogus/false bills in the execution of 27.35 Ha of Agaves plantation at Naduvathumoozhy Range under 220 KV Line during 1985-86.

1. Total amount charged by the accused officer : Rs. 1,57,451.1
2. Total amount admitted : Rs. 1,17,556.39
3. Total amount received by the petty contractors as per evidence collected : Rs. 32,514.33
4. Total amount charged by the accused officer as per the bogus/false voucher : Rs. 85,042.06

4) It is proved beyond doubt that the loss of Rs. 85,042/- (Eighty Five Thousand and Forty Two Rupees only) sustained by Government was only because of exercising powers in defiance of the existing rules, by Sri.K.Vijayakumar and he is responsible for the Government loss. Therefore it was provisionally decided to recover the sum of Rs. 85042/- (Eighty Five Thousand and Forty Two Rupees only) from his DCRG and to reduce Rs. 100/- per month from his pension under Rule 59(b) of Part III KSRs as his service had not been thoroughly satisfactory and a Show Cause Notice read as 5th paper above was issued to Sri.K.Vijayakumar.

5) Sri. K. Vijayakumar submitted his explanation read as 6th paper above. Government further examined the matter in the light of the contentions raised by the accused officer in his explanation and found nothing contributory for his

acquittal. When consulted, the Kerala Public Service Commission also agreed with the tentative decision taken by the Government vide their letter read as 7th paper above.

6) Accordingly, disciplinary action initiated against Sri.K.Vijayakumar, Assistant Conservator of Forest (Rtd) was finalized by ordering to recover Rs. 85,042/- from his DCRG and to reduce Rs. 100/- from his monthly pension under Rule 59 (b) Part III KSR vide Government Order read as 8th paper above.

7) Sri.K.Vijayakumar submitted a review petition read as 9th paper above. Additional Principal Chief Conservator of Forest (D&P) furnished his remarks on the review petition vide his letter read as 10th paper above.

8) The concurrence of Vigilance Department was also sought and have sought the advice of the Kerala Public Service Commission vide Government Letter read as 11th paper above.

9) After giving due consideration to the points raised in review petition, the views of the Additional Principal Chief Conservator of Forest (D&P) and other materials, it is found that there is no reason to review the decision.

10) In the above circumstances, the review petition read as 9th paper above of Sri. K.Vijayakumar, Deputy Conservator of Forest (Rtd) is rejected and issue orders accordingly.

(By Order of the Governor)

Venu V.

Principal Secretary to Government

Additional Principal Chief Conservator of Forest (Administration).

Shri. K.Vijayakumar, Deputy Conservator of Forest (Rtd).

(through the Additional Principal Chief

Conservator of Forest (Administration))

The Secretary, Kerala Public Service Commission,

Thiruvananthapuram (with C/L).

(vide Letter No.AI(3)4125/16/GW dated 09.12.2016)

The Vigilance Department (vide 13428/E4/2015/Vig.).

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

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

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Section Officer