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10/11/20



GOVERNMENT OF KERALA

Abstract

Forest & Wild Life Department - O A No. 2322/2019 filed by Sri. Nobert Lal & others - Compliance of the final order of Hon"ble KAT dated: 21.11.2020 - orders issued-

FOREST & WILDLIFE (F) DEPARTMENT

G.O.(Rt)No.269/2020/F&WLD Dated, Thiruvananthapuram, 28/10/2020

- Read 1 GO (P) No 60/2010/FWLD dt 30.08.2010
2 GO (P) No 84/2014/FWLD dt 20.09.2010
3 Representations dated:01.11.2019, submitted by Sri. Nobert Lal & others
4 Order of Hon"ble KAT dated:21.11.2019 in O A No. 2322/2019 filed by Sri. Nobert Lal & others.
5 Letter No.E7-7382/2019 dated:08.06.2020 from the Additional Principal Chief Conservator of Forests (A), Thiruvananthapuram.

ORDER

Sri. Nobert Lal N and others, working as Beat Forest Officers in the High Range Circle under the Kerala Forest and Wildlife Department, submitted representations, read as 3rd paper above (Annexure A2-A14), before Government requesting to prepare the seniority list of Beat Forest Officers state wise and to effect promotion to the post of Section Forest Officer from the state wise seniority list, instead of present circle wise seniority list. Later they have approached the Honorable Kerala Administrative Tribunal for the same purpose by filing O A No. 2322/2019. The Honorable Tribunal disposed of the O A, as per the order read as 4th paper above, directing to take a decision on Annexure A2 to A14 representations preferred by the applicants before Government after hearing them.

2. In the Annexure A2 to A14 representations the applicants submit that as per the promotions based on Circle wise seniority lists as Section Forest Officers, the Beat Forest Officers who got appointment earlier and seniors by date of advise of Kerala Public Service Commission at the entry Cadre would become junior to the Beat Forest Officers those who have appointed in the

Circles having more strength of Section Forest Officers. The Beat Forest Officers appointed earlier in the Circles having less promotion post will not get promotion prior to the promotion of those juniors in other Circles and thus they become juniors in further promotions also to the post of Deputy Range Forest officers etc. It was reported that the accelerated promotion at the entry Cadre in such Circles neglecting the seniority of others at the entry cadre in other Circles is against natural justice and affects the applicants badly and spoiling their career prospects. The applicants argue that the said anomaly can be rectified, if promotion to the post of Section Forest Officer is made from the state wise seniority list of Beat Forest Officers. The applicants also cited the common Order of the Honorable Tribunal dated: 25/09/2019 in O A No. 1381/2015, O A (EKM) No. 1932/2016 and O A No. 1381/2015 to strengthen their arguments.

3. As directed by the Hon'ble Kerala Administrative Tribunal, the applicants were heard on 03.02.2020. During the hearing the applicants pointed out, besides their arguments in the Annexure A2 to A14 representations, that as the appointing authority of the Section Forest Officer is the Chief Conservator of Forest (in charge of administration) as per rule 6 of Kerala Forest Subordinate Service Rules, 2010, the promotion to the post of the Section Forest Officer can be effected from the state wise seniority of Beat Forest Officers, without amendments to the Special rules.

4. The Additional Principal Chief Conservator of Forest (Administration), in his letter read as 5th paper above, has reported that, as per rule 6 (1) of Kerala Forest Subordinate Service (Amendment) Rule 2014, circle level Chief Forest Conservators have been assigned as the appointing authorities of the Section Forest Officers and hence the appointment of Beat Forest Officers to the cadre of Section Forest Officers based on the Circle wise Seniority are being done as per the rules.

5. Government have examined the matter in detail. In the Forest Subordinate Service Rule 2010, issued as per Government order read as 1st paper above, the appointing authority in respect of Section Forest Officer and Deputy Ranger was Chief Conservator of Forests (in Charge of Administration). As per rule 11 of the above Rules, Revenue District shall be the unit for the purpose of appointment to the service, seniority as full member in the case of Beat Forest Officers and Forest circle in respect of Section Forest officers. The appointing authority of the Post of Section Forest Officer is modified as Chief Conservator of Forests/Conservator of Forests (In charge of Territorial Circle) as per Kerala Forest Subordinate Service (Amendment) Rule 2014, issued as per Government order read as 2nd paper above. So it is clear that the practice followed in the Forest & Wildlife department with regard to the promotion to the post of Section Forest Officer is as per rules. In order to

redress the demand of the applicants, for effecting promotion to the post of Section Forest Officer from the state wise seniority list, an amendment in the Forest Subordinate Service Rule is necessary.

6. In the above circumstances, Government hereby reject the request of applicants in Annexure A2- A14 representations. However the Principal Chief Conservator of Forests & HoFF shall conduct a detailed study on the request of the applicants, and to submit report to Government with his specific remarks on preparing the state wise seniority list of the Beat Forest Officers as demanded by the applicants.

7. The order of the Hon'ble Kerala Administrative Tribunal read as 4th paper above, is thus complied with.

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

To

The Principal Chief Conservator of Forests & HoFF, Thiruvananthapuram.
Additional Principal Chief Conservator of Forests (Administration),
Thiruvananthapuram.

Sri. Nibert Lal N, Beat Forest Officer, Flying Squad Range, Mundakkayam,
Kottayam 686 513.

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

Principal Accountant General, Kerala (Audit), Thiruvananthapuram.

Accountant General (A&E), Thiruvananthapuram.

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Signature valid
Digitally signed by MOUSHAD S
Date: 2020.11.02 11:12:31 IST
Reason: Approved

Section Officer

Copy to:-F&WL(PS Dept).