



GOVERNMENT OF KERALA

Abstract

Forest and Wildlife Department – Establishment – OA 592/2022 filed by Sri.K.Vidhya Rajan and 8 others – Final order dated 07.04.2022 of the Hon'ble Kerala Administrative Tribunal - Complied with - Orders issued

FOREST & WILDLIFE (F) DEPARTMENT

G.O.(Rt)No.327/2022/F&WLD Dated,Thiruvananthapuram, 01-08-2022

Read 1 Government letter No.F1/332/2021-FWLD dated 23.09.2021.

2 Representation submitted by the Secretary, Kerala State Forest Workers Union (AITUC).

3 Representation dated 07.02.2022 submitted by K.Vidhya Rajan and 8 others.

Final Order of the Hon'ble Kerala Administrative Tribunal
4 dated 07.04.2022 in OA 592/2022 filed by Sri.K.Vidhya Rajan and 8 others.

Letter No. KFDHQ/2774/2022-ADMIN/E6 dated 14.07.2022
5 from the Additional Principal Chief Conservator of Forest (Administration).

6 Interim order of the Hon'ble Kerala Administrative Tribunal dated 13.07.2022 in OA 1255/2022 Sri.Raju T & 56 others.

ORDER

Sri. K.Vidhya Rajan and 8 others who are working as daily wage Watchers in Forest Department had filed OA 592/2022 before the Hon'ble Kerala Administrative Tribunal with a prayer to not to disengage them from service under the guise that they have crossed the age of 56 years.

2. The Hon'ble Tribunal in its final order read as 4th paper above, had directed the 1st respondent ie; Principal Secretary, Forest Department to consider and pass appropriate orders on Annexure A8 and A9 representations submitted by the Applicants to Government within a period of 3 months from the date of receipt of a copy of the order. The

Hon'ble Tribunal had also directed that the Applicants should not be disengaged and will not be substituted by another daily wage workers till final orders are passed on Annexure A8 and A9 representations.

3. In Annexure A8 representation read as 2nd paper above, the Secretary, Kerala State Forest Workers Union (AITUC), had requested for the regularization of temporary employees in Forest Department who had been continuing in the department for more than 10 years. He had also requested to cancel the appointments that had made to the Forest Department from other departments such as AHADS [Attappadi Hills Area Development Society] under Local Self Government Department. In Annexure A9 representation read as 3rd paper above, the Applicants had requested to allow them to continue in Forest Department up to the age of 60.

4. As per letter read as 5th paper above, the Additional Principal Chief Conservator of Forests(Admin) has submitted that the decision to terminate the service of temporary employees was taken in view of the Government direction contained in the letter read as 1st paper above.

5. Government have examined the matter in detail. As far as Forest Department is concerned, Government had taken a policy decision to terminate the service of all daily wage employees who have attained an age of 56 years, except those who belong to SC/ST category, those who appointed on compassionate basis and those who appointed on the basis of specific Government order/direction, in Forest Department. The employees who are appointed as NMR workers through employment exchange and not completed the stipulated service tenure allowable as per Rules can also be continued. Government had also decided that temporary appointment, if any needed in any division can only be done with the prior approval from Government. The Applicants alone cannot be given exemption in this regard. Appointments given to some employees of erstwhile AHADS was subsequent to the directions of Hon'ble Tribunal and Hon'ble High court in various cases. Government had already rejected the proposal for regularizing the temporary employees in Forest Department who had been continuing for more than 10 years, since the same is against the principles laid down by the Hon'ble Apex court in Umadevi case. Hence, the request put forward by the Applicants in Annexure A8 and A9 representations are hereby rejected. The disengagement of Applicants in OA 592/2022 from forest department will be subjected to further orders/direction of Hon'ble Kerala Administrative Tribunal in OA 1255/2022 filed by Sri.Raju T & 56 others.

6. The final order of Hon'ble Kerala Administrative Tribunal dated 07.04.2022 in OA 592/2022 is thus complied with.

(By order of the Governor)
LIYA LATHEEF.A
UNDER SECRETARY

The Principal Chief Conservator of Forests and Head of Forest Force,
Thiruvananthapuram.

The Additional Principal Chief Conservator of Forests (Admin),
Thiruvananthapuram.

The Employees concerned [through APCCF (Admin)]

The Advocate General, Thiruvananthapuram (With C/L).

The Accountant General (Audit), Kerala, Thiruvananthapuram

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

The Information Officer, Web & New Media, Information & Public
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