



## GOVERNMENT OF KERALA

### Abstract

Forest and Wildlife Department – Establishment – OA No. 2315/2017 filed by Sri.K.A.Abdul Rahiman, Forest Range Officer (Retired) – Final order dated 27.11.2019 of the Hon'ble Kerala Administrative Tribunal - Complied with - Orders issued.

### **FOREST & WILDLIFE (F)DEPARTMENT**

G.O.(Rt)No.403/2021/F&WLD Dated,Thiruvananthapuram,  
11/12/2021.

- 1 Read 1 Final Order of Hon'ble Kerala Administrative Tribunal dated 27.11.2019 in OA No. 2315/2017 filed by Sri.K.A.Abdul Rahiman
- 2 Representation dated 23.12.2019 submitted by Sri.K.A.Abdul Rahiman
- 3 Letter No.D1-59817/2018 dated 07.03.2020 & 08.06.2020 from the Additional Principal Chief Forest Conservator (Admin)
- 4 Judgment of Hon'ble High Court of Kerala dated 18.02.2021 in OP(KAT)No.52/2021 filed by State of Kerala & Others
- 5 Judgment of Hon'ble High Court of Kerala dated 16.11.2021 in CoC No.1381/2021 filed by Sri.K.A.Abdul Rahiman
- 6 Judgment of Hon'ble Supreme Court of India dated 06.12.2021 in SLP(c) 19560/2021  
filed by State of Kerala & Others

### **ORDER**

Sri. K A Abdul Rahiman, retired Range Forest Officer, filed O A No. 2315/2017 before the Hon'ble Kerala Administrative Tribunal with a prayer for notional promotion to the post of Assistant Conservator of Forest with effect from the date of promotion of his immediate junior. As per Order read as 1st paper above, the Hon'ble Kerala Administrative Tribunal had disposed the case directing the first Respondent ie, Secretary, Forest and Wildlife Department to consider the claim of the

Applicant for promotion as Assistant Conservator of Forests with effect from the date of promotion of his immediate junior. The Hon'ble Kerala Administrative Tribunal had also directed that the Applicant will be eligible for consequential pensionary benefits on the basis of the promotions to be granted to him based on Court directions.

2) Moreover, the Hon'ble Tribunal, in its Order, had also made clear that the Applicant is entitled to the benefit of Rule 28(b)(i)(14) of the KS & SSR and the matter need not go to the Departmental Promotion Committee, since he had already retired from service on 31.05.2006. The Applicant was also directed to submit an appropriate representation along with a copy of the Court Order before the first respondent for consideration. Subsequently, the Applicant, Sri. K A Abdul Rahiman had submitted a representation, read as 2nd paper above, to Government, requesting for promotion to the post of Assistant Conservator of Forest with effect from the date of promotion of his immediate junior Shri. M. Unnikrishnan, who had been promoted as per G.O. (Rt) No.574/2000 dated 12.12.2000.

3.) Government have examined the matter in detail and filed an OP(KAT)No.52/2021, before Hon'ble High Court of Kerala against the Order of the Hon'ble Tribunal. The same was dismissed by the Hon'ble High Court, as per the Judgment read as 4 th Paper above, directing to implement the Order of the Hon'ble Tribunal without further delay. Even though the matter of filing a review petition had been taken up with the Advocate General of Kerala in time by the Government, the Advocate General advised to file an appeal in view of the Contempt of Case filed by the Applicant against the judgment dated 18.02.2021 in OP(KAT)No.52/2021. Subsequently, Government had filed Petition for Special Leave to Appeal No.19560/2021 before the Hon'ble Supreme Court of India.

4.) In the mean time, as per the judgment read as 5th paper above, the Hon'ble High Court had disposed the Contempt Petition, giving the liberty to the Applicant to approach the Hon'ble Tribunal to consider the plea for contempt, if he has any legally justifiable grievances in regard to the non-compliance of the directions of the Hon'ble Tribunal, since the original jurisdiction to initiate contempt proceedings in this case is vested with the Hon'ble Tribunal as per the provisions of Administrative

Tribunals Act, 1985. The Hon'ble High Court have also expressed it's hope in taking expeditious and sincere steps by the 1st & 2nd Respondents for complying the directions of the Hon'ble Kerala Administrative Tribunal. Later, as per the judgment read as 6th paper above, the Hon'ble Supreme Court of India has disposed the SLP(c) filed by the Government as dismissed.

5) In view of the Hon'ble Kerala Administrative Tribunal's Order, as per letter read as 3rd paper above, the Additional Principal Chief Forest Conservator (Admin) has informed that Shri. M. Unnikrishnan, the junior of Sri.K A Abdul Rahiman, who had been promoted as Assistant Conservator of Forest, as per G.O. (Rt) No.574/2000 dated 12.12.2000, assumed charge on 13.12.2000 in Forestry Information Bureau. In these circumstances, Government are pleased to grant notional promotion to Sri. K A Abdul Rahiman, retired Range Forest Officer, with effect from 13.12.2000, the date on which his immediate junior took charge in the post of Assistant Conservator of Forests, subject to the condition that he will not be eligible for back arrears for notional promotion. He will be eligible for the consequential pensionary benefits on the basis of notional promotion granted to him based on court direction.

6.) The Order of Hon'ble Kerala Administrative Tribunal dated 27.11.2019 in OA No. 2315/2017 is thus complied with.

(By order of the Governor)  
Rajesh Kumar Sinha  
Principal Secretary

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

Sri. K A Abdul Rahiman, Range Forest Officer (retired), (S/o Abdu Moulavi, Karoli Veedu, Onnam Mile, Perumbavoor P.O, Ernakulam 683542.

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 Relations Department, Government Secretariat, Thiruvananthapuram (For publishing in the website)

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Forwarded /By order  
Signed by Noushad S  
Date: 12-12-2021 00:54:11  
Reason: Approved  
Section Officer