



GOVERNMENT OF KERALA

Abstract

Forest & Wildlife Department-Final order of the Hon'ble Kerala Administrative Tribunal dated 14.03.2023 in OA 697/2018 filed by Sri.Vismiju Viswanathan and Others-Complied with-Orders issued.

FOREST & WILDLIFE (F) DEPARTMENT

G.O.(Rt)No.308/2023/F&WLD Dated,Thiruvananthapuram, 18-08-2023.

Read 1 Final Order dated 14.03.2023 in OA 697/2018.

2 Letter No. D1/4025/2023 dated 15.06.2023 from the Additional Principal Chief Conservator of Forest(Administration).

ORDER

The Hon'ble Kerala Administrative Tribunal, as per the final order read as 1st paper above, disposed the OA 697/2018 filed by Sri. Vismiju Viswanathan and Others by directing the 1st respondent Government to consider the entire matter in the light of the observations made by the Tribunal and also in the light of the contentions raised by the applicant in the representation produced along with the Original Application within a period of three months from the date of receipt of a copy the Original Application, by offering all the applicants an opportunity of hearing.

2. The 1st & 2nd applicants were selected for appointment to Indian Forest Service while working as Range Forest Officers. The 3rd applicant was selected for appointment to Indian Forest Service while he was undergoing Range Forest officers training course 2010 - 2011. As per the agreement executed by the applicants at the time of the Forest Rangers Course, the expenses as informed by the Director of Forestry Education from time to time for the said course of 18 months will be met by Government and the Forest Ranger trainee on completion of the course and on appointment as Range Forest Officer shall continue to serve the Government for a minimum period of five years. Government will not on any account be under any obligation to provide the Bounden with any employment in the event of failure in the examination and

causing any loss to the Government thereby or otherwise he should refund the amount spent on his behalf by the Government to cover liquidated damages together with interest @ 6% per annum. Hence all above officers were relieved from the department after obtaining undertaking and bond of two sureties to the effect that if Government decides to recover the bonded amount, will pay the amount immediately and in the event of failure to remit the amount, the same is liable to be recovered as per relevant Rules.

3. Government had directed to recover the full bonded amount from the applicants since they left the State service for better job prospects on their own options. The request submitted by the Applicants to waive the amount was rejected.

4. As ordered by the Hon'ble Kerala Administrative Tribunal, the Additional Secretary, Forest and Wildlife heard the applicants. In the hearing they stated that as per the Government of India guideline, wherein it is provided that the terms of such bonds are to be enforced only against those Government servants, who left Government service in order to secure private employment. They argued that, as they are still serving under the IFS and had successfully completed the training, no loss was caused to Government. Their sincere desire and hope to work in Kerala still remains evergreen as they did not get the Kerala Cadre, even though they opted. The Additional Principal Chief Conservator of Forest (Administration) as per letter read as 2nd paper above, has recommended to exempt the Applicants from the recovery of bond amount.

5. Government have examined the matter in detail. The Range Forest Officers who got selected for Indian Forest Service are serving Forest Department itself in the States in our country. As per Clause 7(iv) of the agreement, Government have the full right and the absolute power to exonerate the applicants from any liability and to cancel the agreement. As per GO(P) No. 574/71/Fin dated 15.09.1971, it was ordered that Government will not insist on enforcing the terms of the bond in respect of officers who leave State Government service for taking up appointments under the Central Government Service or under any organisation wholly or substantially financed and controlled by the Govt of India/ State Government. As per GO(P) No. 443/73/Fin dated 15.12.1973, a fresh bond should be taken from Government Servant to ensure that they serve the new employer for a specified number of years.

6. In the above circumstances, by invoking the Clause 7(iv) of the agreement, Government are pleased to waive the training expenses of the applicants who left the department for joining Indian Forest Service, subject to the provisions in GO(P) No. 574/ 1971/Fin dated 15.09.1971 and GO(P) No. 443/73/Fin dated 15.12.1973 .

7. The final order of the Hon'ble Kerala Administrative Tribunal, read as 1st paper above is thus complied with.

(By order of the Governor)

SHAJAN.A

ADDITIONAL SECRETARY.

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

Sri. Vismiju Viswanathan, District Forest Officer, Kanyakumari,
Vadassery Junction, Kanyakumari- 629 001.

Sri. Harikrishnan, Divisional Forest Officer, Birbhum Division,
Barobagan, Suri, Birbhum, West Bengal- 731101.

Sri. Bijo Joy, DCF DFD, RTR(1), Ranthambhore Tiger Reserve,
Rathambhore Road, Sawai, Madhapur, Rajasthan-322001.

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

The Principal Accountant General (Audit),Kerala,TVPM.

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

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Signed by

Noushad S

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