



Forest and Wildlife Department Disciplinary action against Shri.P.N.Bhanu, Forester (Retired)-Review petition-Disposed of-Orders Issued.

FOREST AND WILDLIFE (A) DEPARTMENT

G.O.(Rt)No.247/2002/F&WLD. Dated, Thiruvananthapuram, 30.7.2002.

- Read:-
- (1) Order No.G1-3035/97 dated 13.12.2000 of the Conservator of Forests, Central Circle, Thrissur.
 - (2) Order No.B4.6029/2001 dated 13.7.2001 of the Conservator of Forests (Administration), Thiruvananthapuram.
 - (3) Review petition dated 5.9.2001 submitted by Shri.P.N.Bhanu, Forester (Retired)
 - (4) Letter No.B4.6029/2001 dated 16.3.2002 of the Conservator of Forests (Administration), Thiruvananthapuram.

ORDER

The Conservator of Forests, Central Circle, Thrissur initiated disciplinary action against Shri.P.N.Bhanu, Forester (Retired) for the failure to protect Government property and for rendering assistance for the ganja cultivators, while he was working in Kuttampuzha Range of Malayattoor Division. As per the order read as first paper above, disciplinary action was finalised awarding the following punishments to Shri.P.N. Bhanu:

- (1) Barring of 3 annual increments with cumulative effect
- (2) Recovery of Rs.3000/- towards loss sustained by Government

(2) The appeal petition filed by Shri.P.N.Bhanu before the Chief Conservator of Forests (Administration) was rejected as per the order read as second paper above.

(3) Shri.P.N.Bhanu then filed review petition before the Government. The main contentions of the petitioner are as follows:

- (1) The petitioner was not given opportunity to peruse records during enquiry and hence there is violation of principles of natural justice.
- (2) The enquiry officer exonerated the petitioner against the charge of his knowledge and consent with the ganja cultivations, but concluded the report that charges (1) and (2) are proved.
- (3) The petitioner was not given an opportunity of being heard at the time of finalising the appeal.
- (4) Withholding of increment cannot be imposed after retirement. Treating the period of suspension as Leave Without Allowance is not a penalty under KCS (CC&A) Rules. Since no loss is caused by the petitioner, imposing a penalty of Rs.3000/-

(5) Continuation of disciplinary proceedings after his retirement on 30.6.2000 is illegal since there was no charge of causing loss to Government.

(6) The disciplinary authority acted upon the comments of the Divisional Forest Officer. The appellate authority have not passed a speaking order.

(4) Government have examined the case in detail with connected records and the report of the Chief Conservator of Forests. The following were the charges levelled against the petitioner:

- (1) Failure to protect Government property
- (2) Dereliction of duty
- (3) Rendering assistance to ganja cultivation
- (4) Deceiving Government.

(5) The enquiry officer has stated that only charges (1) and (2) are proved and charges (3) and (4) could not be proved. The accused officer has retired from service before the disciplinary action was finalised and the order of punishment was issued. The order imposing the punishment of withholding of increment issued after the date of retirement of the officer is void. It is also seen that two punishments are imposed on a single case which will not also stand a legal scrutiny. As per rules the period of suspension can be treated as leave only on the application from the employee concerned. Here in this case the period is treated by the disciplinary authority arbitrarily as Leave Without Allowance.

(6) In the above circumstances, considering the fact that the officer had already retired from service, Government are pleased to take a lenient view in the matter. Accordingly, Review Petition submitted by Shri.P.N.Bhanu, Forester (Retired) is disposed of by reducing the punishment given to him in the order read as first paper above, as follows

- (1) Recovery of Rs.3000/- being the loss sustained by Government
- (ii) The period of suspension to be treated as non-duty without forfeiture of past services.

(BY ORDER OF THE GOVERNOR)
N.M.OMANA,
Additional Secretary to G

To
✓ The Chief Conservator of Forests
(Administration), Thiruvananthapuram.
Shri.P.N.Bhanu, Forester (Retired),
Pazhunkattil House,
Konnakuzhi.P.O., Chalakudy (Via),
Thrissur.
Stock File, Office copy.

Forwarded/By Order