

**PROCEEDINGS OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
& HEAD OF FOREST FORCE, KERALA**

***Present: P.K.KESAVAN IFS***

**Sub:-** Kerala Forest Department - Appointment of Sri.Anilkumar.P.P,  
Deputy Range Forest Officer as Range Forest Officer -  
Complying with Court Order - reg.

**Read:-**

1. Notification No. GRI(C) (1) 43945/GW of Kerala Public Service Commission.
2. G.O. (Rt) No. 205/13/F&WLD dated: 30.05.2013.
3. G.O. (Rt) No. 307/13/F&WLD dated: 23.08.2013.
4. Order No. D1-52352/13 dated: 02/02/2017 of Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Kerala.
5. Order No. D1-14956/17 dated: 16.11.2017 of Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Kerala.
6. Judgment of the Hon'ble Supreme Court of India dated: 25.09.2018 in Civil Appeal No.(s).9954-9955/18 in SLP(C) Nos. 7378-7399.
7. G.O.(Rt) No.397/2019/FWLD dated: 30.09.2019.

**ORDER NO. D1-14956/2017 DATED: 26.10.2019**

Sri.Anilkumar.P.P, Deputy Range Forest Officer entered in the Forest service of the Kerala State Government as Forester. He applied for selection to the Forest Ranger's Training Course 2006-2007 vide Notification Read 1<sup>st</sup> issued by the Kerala Public Service Commission for appointment by transfer from the posts of Deputy Rangers and Foresters as per the Kerala Forest Subordinate Service Rules 1962 which was in force at that time. The ranked list came into force w.e.f. 25.02.2006. Sri.Anilkumar.P.P, Forester was successful in the written exam held by the Kerala Public Service Commission, but he failed in the physical test for want of the required chest measurement of 84 cm and 5 cm on expansion as per the notification. But later, based on the notification of Government of India dated 10.01.2016, the Entrance and Training Rules (Revised) was amended and the chest measurement was reduced to 79cm and 5cm on expansion.

Sri.Anilkumar.P.P, filed WP(C) No. 7569/2006 before the High Court, Ernakulam praying for the appointment as Range Forest Officer as per the amended Entrance and Training Rules. But the Hon'ble Court dismissed the case and he filed Writ Appeal No. 885/07 which was also dismissed. Then he approached the Hon'ble Supreme Court of India and filed the Special Leave



Petition (C) Nos. 4705-4706 of 2009. That was also dismissed by the Hon'ble Supreme Court.

After these repeated attempts, Sri.Anilkumar.P.P had submitted representation before the Government for selecting him as Range Forest Officer based on the amended rules. After examining the matter in detail, Government invoking the powers vested upon them as per Rule 39 of Kerala State & Subordinate Service Rules, 1958, had given permission to promote Sri.Anilkumar.P.P in the vacancy under the quota earmarked for recruitment by transfer from Forest Officers namely, Deputy Rangers, Forester vide order read as 2<sup>nd</sup> above. As per proceedings order No.D1-21705/2010 dated: 29.08.2013 of Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Kerala, Sri.Anilkumar.P.P, was appointed as Range Forest Officer in Kerala Forest Department.

Government, vide order read as 3<sup>rd</sup> above exempted Sri.Anilkumar.P.P from the training considering the fact that when he was appointed as Range Forest Officer, he was 50 years old his date of birth being 29.05.1964. If he would be deputed for Rangers Course and practical training in the Department covering a total period of 30 months, the Department would get his services as Range Forest Officer only for a limited period of four years and the Department will have to pay the course fee also.

Sri.Dinesh Sankar.N.T, Deputy Range Forest Officer filed O.A No. 393/2015 before the Hon'ble Administrative Tribunal praying that he may be appointed as Range Forest Officer replacing Sri.Anilkumar.P.P under the FTR Quota w.e.f. from the date of appointment of Sri.Anilkumar .P.P as Range Forest Officer. The Hon'ble Kerala Administrative Tribunal dismissed the O.A observing that the ground taken by the applicant that Sri.Anilkumar.P.P was appointed illegally and therefore he should also be appointed has no relevance since Sri.Dinesh Sankar.N.T can't get appointment in the place of Sri.Anilkumar.P.P as Sri.Dinesh Sankar was included in the ranked list published on 25.02.2006 which expired on 24.05.2006. Aggrieved by the order in O.A.(EKM) No.393/15 Sri.Dinesh Sankar.N.T. filed O.P.(KAT) No.364/15 before the Hon'ble High Court. It was dismissed by the Hon'ble High Court of Kerala Directing that orders shall be passed by the Government/Authorities of the Forest Department to cause Sri.Anilkumar.P.P to be reverted immediately to the post of Deputy Forest Ranger with effect from the date on which he was given the promotion. Further, steps shall be taken to see that the loss suffered by the State, if any, be recovered from the persons concerned, immediately.



Government vide letter No. F3/511/2016-F&WLD dated: 25.11.2016 directed to comply with the judgment of the Hon'ble High Court. Mean while Sri.Anilkumar, filed R.P.No. 864/2016 against the judgment in O.P.(KAT) No. 364 of 2015 dated 12.07.2016 in the Hon'ble High Court of Kerala. The Hon'ble High Court of Kerala as per the judgment dated: 27.10.2016 dismissed the review petition as there is no merit in it. As he was not promoted to the post of Deputy Forest Ranger when the Government orders appointing him as Range Forest Officer was issued he was reverted to the post of Section Forest officer vide order read as 4<sup>th</sup> above the category from which he was appointed as Range Forest Officer with effect from 29.08.2013 the date on which he was given the promotion. Meanwhile Sri.Anilkumar.P.P filed I.A. Nos. 49489 & 49491/2017 in SLP(C) No. 7378-79/17 before the Hon'ble Supreme Court. In the order dated: 27.10.2017, it was ordered to revert him to the post directed to be reverted by the Hon'ble High Court. In compliance of this order, he was reverted to the post of Deputy Range Forest Officer vide order read as 5<sup>th</sup> above.

SLP(C) Nos. 7378-7379/17 filed by the Sri.Anilkumar.P.P was disposed of by the Apex Court as per the judgment read 6<sup>th</sup> above. The Hon'ble Apex Court observed in the judgment that the promotion ordered to the appellant as per the Order read as 2<sup>nd</sup> above was in equity and justice; but Government had exempted the appellant from the mandatory requirement of training as per order read as 3<sup>rd</sup> above, on the sole ground that the service left was only four and a half years as on the date of the order and after undergoing the training, the appellant may not get sufficient service without considering the fact whether the appellant was eligible for exemption from training considering his experience, exposure and expertise. Therefore the Hon'ble Apex Court set aside the order read as 3<sup>rd</sup> above and remitted the matter to Government for consideration afresh, after affording an opportunity of hearing to the appellant.

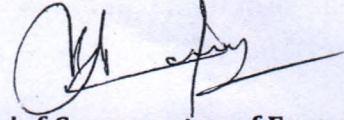
In compliance with the order read as 6<sup>th</sup> above, Sri.Anilkumar.P.P was heard on 03.11.2018 by the Government. Government found that he had served the department meticulously and got distinguished service certificate for the investigation of the Wildlife Offence No. 48/2005 of Devikulam Range, has also got Good Service Entry in his service and has not faced any disciplinary action so far. He has only 9 months left for retirement from service. He has already worked as Range Forest Officer for more than 3 years without undergoing training. Head of Forest Force has also certified his competency to serve as Range Forest Officer.

After having convinced of the fact that Sri.Anilkumar.P.P has sufficient experience, exposure and expertise to be posted as Range Forest Officer without




undergoing the mandatory training, Government in exercise of the powers vested under Rule 39, Kerala State & Subordinate Service Rules 1958, as a Special case, issued orders vide reference 7<sup>th</sup> above exempting Sri.Anilkumar.P.P from the mandatory training stipulated under Kerala Forest Service Special Rules 2010.

Considering the fact that Government vide order read as 2<sup>nd</sup> cited above granted permission to post Sri.Anilkumar.P.P as Range Forest officer, and the same was approved by the Hon'ble Apex Court as per vide judgment read as 6<sup>th</sup> above, and the matter of exemption from mandatory training was decided complying with the order of the Hon'ble Supreme Court, I P.K.Kesavan Principal Chief Conservator of Forests & Head of Forest Force here by ordered to appoint Sri.Anilkumar.P.P, Deputy Range Forest Officer as Range Forest Officer in the scale of Pay of Rs. 39500-83000.



**Principal Chief Conservator of Forests  
& Head of Forest Force , Kerala.**

To,

Sri. Anilkumar.P.P, Deputy Range Forest Officer for information. 

- Copy to:-**
1. The Additional Chief Secretary, Forests & Wildlife Department, Thiruvananthapuram for information **(with C/L)**
  2. The Accountant General (A&E), Kerala, Thiruvananthapuram.
  3. Stock file/Spare.