

PROCEEDINGS OF THE PRINCIPALCHIEF CONSERVATOR OF FORESTS

Present : T.M. Manoharan

Sub:- Kerala Forest Department - Provisional Seniority List of Range Forest Officers as on 01.01.2011- publishing of –reg

Read:- Order No. E1-21648/04 dated 12-01-2006 of the Chief Conservator of Forests (Administration)

Order No. D1- 22673 /2010 Dated 28.03.2011

1. The seniority list of Range Forest Officers in the Kerala Forest Department existing presently is the provisional seniority list as on 01.01.2006 published vide order cited. After the publication of the said seniority list, many Range Forest Officers in the list have been promoted and many others have retired from service. Many Range Forest Officers have also been newly appointed. As such preparation of a new provisional seniority list of Range Forest Officers is highly essential. Seniority has to be assigned to 6 officers deputed for training in Forest Rangers Course as per the direction of the Hon'ble Supreme Court in Civil Appeal No. 865-867/2005 dated 12.10.2007 and subsequently appointed as Range Forest Officers as per order No. E1-27913/07 dated 5/3/2010 of the Chief Conservator of Forests (Administration).

2. As per G.O. (MS) No. 65/76/AD dated 25-2-1976, Government have issued orders amending the Kerala Forest Subordinate Service Special Rules prescribing following four methods for the appointment to the category of Rangers

1. Direct Recruitment (DR)
2. Appointment of Forest Apprentice(FA)
3. Promotion of Deputy Rangers and Foresters Trained as Ranger in either of the Regional Forest Rangers College, Coimbatore or Dehra Dun(FTR)
4. Promotion of Deputy Rangers and Foresters who have not been trained as Rangers but have had training as Foresters(FNTR)

3. In G.O (P) No. 219/77/Agri. dated 16-7-1977, Government have added a condition by amending the Kerala Forest Subordinate Service Rules under the method of appointment earmarked for direct recruitment from candidates who possess a degree in B.Tech. (Forestry) to the category of Ranger as the course of B.Tech (Forestry) of Calicut University was discontinued: The following is the condition

“Provided that when required number of suitable candidates for appointment to the quota fixed for direct recruitment are not available, such vacancies shall also be filled up by appointment of Forest Apprentices”.

4. As per G.O (P) No. 80/94/F&WLD dated 20-12-1994, Government have amended the qualification prescribed for Direct recruitment to the category of Rangers as “Degree in Forestry of the Kerala Agricultural University or of any other recognised University in India or A degree from the Indian Institute of Forest Management”.

5. The cadre strength of Range Forest Officers is apportioned among various methods of appointment as shown below.

- a. 25% of the posts in the cadre of Range Officers shall be filled by direct recruitment of forestry graduates through Kerala Public Service Commission. The candidates advised by Public Service Commission under this category are given appointment and they continue on probation for a period of two years on duty within a continuous period of three years.
- b. 25% of the posts in the cadre of Range Officers are filled by appointment of Forest Apprentices who are recruited by Kerala Public Service Commission from among the Science graduates from open market. The candidates recruited under this method of recruitment are deputed for forest rangers course in the Rangers colleges under Government of India. While on training, they are called Forest Apprentices. On successful completion of the forest rangers course the Forest Apprentices are deployed for practical training for one year. They are appointed Rangers on successful completion of practical training and they continue on probation for a period of two years on duty within a continuous period of 3 years.
- c. 25% of the posts in the cadre of Range Officers are filled by Foresters/Deputy Rangers trained as Rangers. For the purpose of deputing for training as Rangers, candidates are selected by Kerala Public Service Commission. Such Foresters/Deputy Rangers undergo Forest Rangers course in the Rangers College under Government of India. Only on successful completion of Forest Rangers course they become Forester/Deputy Ranger 'trained as Ranger' who are eligible for appointment as Rangers by the appointing authority. The officers appointed to be Rangers under this category do also continue on probation for two years on duty within a period of three years.
- d. Balance 25% of the posts in the Rangers cadre are filled up by promotion from the feeder category of Deputy rangers in accordance with their seniority and suitability for appointment. The officers appointed to be Rangers by promotion under this category have to be on probation for one year during a continuous period of two years.

6. The cadre strength of Range Forest Officers was 199. Government vide GO (MS) No. 10/06/F&WLD dated 16.02.2006 created five new posts of Forest Rangers for a period of one year appreciating the difficulties pointed out by the Department for the smooth functioning of the Department. Consequently, the total cadre strength of Forest Rangers has been increased to 204 with effect from 16.02.2006.

7. In the above circumstances, the number of posts of Range Forest Officers of the Forest Department earmarked for each method of appointment out of the total cadre strength of 204 posts is re-fixed as follows.

Sl. No	Category	No. of posts
1	Direct Recruitment (DR)	51
2	Forest Apprentice (FA)	51
3	Foresters Trained as Ranger (FTR)	51
4	Foresters Not Trained as Ranger (FNTR)	51
	Total	204

8. The criteria for fixing seniority of Range Forest Officers is given below.

Sl. No.	Method of Recruitment	Criteria for fixing seniority as per Kerala Forest Subordinate Service Rules
1	Direct recruitment (DR)	The seniority of Range Forest Officers appointed by direct recruitment from among the forestry graduates is determined with respect to the date of advice by the Public Service Commission. The inter-se seniority among the officers advised on the same date by the Public Service Commission shall be in the order of their rank in the PSC advice memo
2.	Forest Apprentice (FA)	The seniority of the Forest Range Officers appointed from among the Forest Apprentices after successful completion of Rangers' Course and the departmental training shall be determined with reference to the date of appointment order as Forest Range Officers. The inter-se seniority among such officers who are appointed as per the order on the same date shall be in accordance with the order of merit they have secured in the forest rangers course in the rangers college
3.	Foresters Trained as Rangers (FTR)	The seniority of Forest Rangers appointed by transfer from among the Foresters/Deputy Rangers trained as Rangers shall be determined with respect to the date of order of the appointing authority appointing them as Rangers after successful completion of the Rangers course. The inter-se seniority among the officers appointed on the same date under this category shall be in the order of merit which they have secured in the forest rangers course in the rangers college.

Sl. No.	Method of Recruitment	Criteria for fixing seniority as per Kerala Forest Subordinate Service Rules
4.	Foresters Not Trained as Rangers (FNTR)	The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers shall be determined with respect to the date of order appointing them as Rangers. As per the existing rules the seniority of Range Officers appointed by promotion from the feeder category of Deputy Rangers shall be in the order of their seniority in the cadre of Deputy Ranger unless they are lowered in rank in accordance with the order in a disciplinary proceeding.

9. As per order No. E1-23917/2007 dated 05.03.2010 of the Chief Conservator of Forests (Administration), six Range Forest Officers namely, S / Sri. R.S. Jayakumar, P.N. Premchandar, K. Anilkumar, K.G. Rajan, K.R. Anilkumar, and T.R. Vijayan were appointed under FTR Quota. The history of their appointment in the cadre of Range Forest Officer is furnished in the ensuing paras.

10. In 2000, Kerala Public Service Commission prepared a rank list of Foresters/Deputy Rangers for deputing for training in Forest Rangers College, Coimbatore for the Rangers Course 2001-03 in the vacancies of Forest Rangers earmarked for Forester Trained as Ranger (FTR) quota. The rank list contained 34 candidates. Immediately after the list was published some of the Foresters working in the department and who applied and participated in the selection process and found places lower in the rank list represented to the Department and the Government, that the rank list prepared by Kerala Public Service Commission contained ineligible candidates who were included based on erroneous consideration. It was pointed out that as per the notification of the KPSC, candidates had to be "Deputy Rangers/Foresters in regular service in the department and who are approved probationers or full members". However the candidates who were ranked from 1 to 30 in the list were predominantly probationers as on the last date notified by Kerala Public Service Commission for accepting applications. Even though the note under item 11 of the notification stipulated that the applicants should be approved probationer or full member, the format of service certificate contained provisions for probationers also in item 6 of it. So probationers also applied and Kerala Public Service Commission accepted the applications. Subsequently 9 Writ Petitions had been filed before the Kerala High Court for and against the rank list. First of these was WP(C) No 33355/2000 filed by Sri. T.R.Vijayan and others who have challenged the rank list prepared by the KPSC and the Respondents were State of Kerala, KPSC and 28 candidates bearing rank 1-28 in the rank list. Many candidates occupying top positions in the rank list also had filed writ petitions. In the meantime, the Rangers Course scheduled to be started in 2001 at Forest Rangers College Coimbatore had commenced as per schedule. Due to non finalization of writ petitions none of the candidates could be deputed for training. KPSC has advised first 12 candidates in the rank list for training.

11. Even though the persons challenging the rank list tried for interim order directing Government to send eligible candidates from among the rank list for training, the same was not agreed to by the court. Appeal against that order also did not succeed. The candidates who got first positions in the rank list and who were also writ petitioners praying for sending them for training as per the rank list prepared by KPSC also had filed CMP in their writ petitions. The Hon'ble High Court, as per the interim order dated: 17/1/2002 in one such CMP No.3498/2008 in OP No.1998/2002 directed the respondents ie. State of Kerala, the Principal Chief Conservator of Forests and the Principal, State Forest College, Coimbatore to immediately send the petitioners pursuant to the advice memo of the KPSC. Though appeal against the above interim directions was tried by the persons opposing the rank list, the same did not succeed.

12. The Writ petitions have been finally disposed by the High Court as per judgment dated 5/10/2002. All the 9 writ petitions were disposed together in the above common judgement. The operative part of the judgement is reproduced here. "The challenge against exhibit P5 (the rank list prepared by KPSC) is repelled. It is declared that the persons include in exhibit P5 rank list are eligible to be deputed for training according to their rank and available vacancy for the rangers course for 2002-04 at the Forest Rangers College, Coimbatore commencing in November 2002". This order was challenged in Writ Appeal No. 295/2002 before the Hon'ble High Court. The same was dismissed by the Hon'ble High Court in judgement dt. 7/11/2002.

13. Based on the above orders of the Hon'ble High Court, the first 12 candidates in the rank list of KPSC were deputed for 2002-04 batch Forest Range Officers training. Out of the above 12 candidates, one person had already been promoted as Ranger and two candidates had left the department. Of the remaining 9 candidates, 8 candidates were sent to State Forest Service College, Coimbatore and one candidate to SFS College Burnihat. The candidates thus deputed for the training had completed the training and were appointed as Range Officers in the department. Sri. K. M .Vijayakumaran Nair was appointed as per Order No. E1-11786/99 dated 19/11/2004 and others viz Jose Mathew, Anil. B, Ajith. N, Santhosh Kumar.V, Kochukoshy, Anil Kumar.V.G., Anand Kumar. N.C, and Koshy John were appointed as per order No.E1-11786/99 dated 14/1/2005 of the Chief Conservator of Forests (Administration).

14. In the mean time, the persons who had been challenging the rank list and the State filed SLP and Civil Appeal before the Hon'ble Supreme Court against the order of the Hon'ble High Court in Writ Appeal No. 295/2002 dated 7/11/2002. The Civil Appeals 865-867/2005 were finally disposed by the Supreme Court as per Judgement dt. 12/10/2007. The operative part of the judgement is reproduced here "However, the conditions laid down by the Public Service Commission in their advertisement have to be fulfilled by all the candidates. As it is more than apparent that the respondents except Jose Mathew did not fulfill the condition required in the advertisement issued by the Public Service Commission for sending the candidates for training at Dehradun. Therefore, their selection cannot be sustained. But they were sent for training and they have undergone the training and sufficient amount has been spent on their training. But they were not eligible to be sent for the training. It is declared that they will not be entitled to avail benefit of their training qua the petitioners /appellants. We allow these Appeals and set aside the order of the High Court & hold that the selection of the respondents for sending them for training was bad and that cannot be used in the service career vis-a-vis the petitioners/ appellants. However, the training

undergone by them cannot be withdrawn but they will not get the benefit of it vis-a-vis the petitioners/ appellants and this will not permit them to have a march over the petitioners/ appellants”.

15. In the meantime, Government had issued notice to the respondents in CA 865-867/2005 except Sri. Jose Mathew for terminating from the post of Range Forest Officer. The department had addressed the KPSC to cancel the advice memo in respect of the respondents.

16. Based on the order of Hon'ble Supreme Court, Government vide letter No. 2446/F3/2008/F&WLD dated 20.05.2008 had directed the Chief Conservator of Forests (Administration) to

- i. Promote the appellants/petitioners in Civil Appeal no. 865-867/2005 namely R.S. Jayakumar, P.N. Premachandar, K. Anil Kumar, K.G. Rajan and K.R. Anil Kumar as well as Sri. T.R. Vijayan , who was not appellant in the Civil Appeals before the Supreme Court but who was petitioner/Appellant before the Hon'ble High Court, as Range Forest Officers in compliance of the directions of Hon'ble Supreme Court.
- ii. Accommodate the respondents in Civil Appeal No. 865-867/2005 in the subsequent vacancies of the Range Forest Officers which occurred in the Department in consideration of the training already given to them.

17. The respondents had filed writ petitions before the High Court against their termination. In WP(C) 14563/2008 and WP(C) 14567/2008 filed by Sri. K.M. Vijayakumaran Nair and Sri. V. Santhosh Kumar respectively, the High Court directed the second respondent, Chief Conservator of Forests(Administration) as per judgment dated 26.05.2008 to take further action in terms of the directives already issued by the government by the communication passed to Chief Conservator of Forests (Administration). It was made clear that if there were sufficient number of vacancies in the Department of Forests available, after accommodating the appellants in Civil Appeal 865-867/05 of the Hon'ble Supreme Court, then effort should be taken to see that the persons who had already undergone training, including the petitioners therein were permitted to be accommodated in consideration of the training already given to them. Also it was directed that if reversion becomes inevitable such reversion should be effected only going by the rule of seniority.

18. KPSC as per letter dated RIC (1)39539/2000/GW dated 17.09.2008 cancelled the advice memo of eight candidates except Sri. Jose Mathew.

19. Accordingly, S/ Sri. R.S. Jayakumar, P.N. Premchandar, K. Anilkumar, K.G. Rajan, K.R. Anilkumar , who were the appellants in the Civil Appeal and Sri. T.R. Vijayan were promoted as Range Forest Officers in accordance with Rule 10 (a) and (b) of the Kerala Forest Subordinate Service Rules 1962 vide Order No. E1-27913/2007 dated 03.06.2008 of Chief Conservator of Forests (Administration) on condition that their posting as Range Officers in the Department shall be subject to their successful completion of the Rangers Training in the Forest College under the Director, Forestry Education, Government of India, Dehradun. As per the Order No. E1-27913/2007 dated 29.08.2008 of Principal Chief Conservator of Forests they have been deputed to undergo the Rangers Course commenced from 4th September 2008 at the State Forest Service College, Coimbatore. On successful completion of the course they

reported before the Chief Conservator of Forests (Administration) on the FN of 04.03.2010/05.03.2010 and were appointed as Range Forest Officers as per order No. E1.27913/2007 dated 5/3/2010.

20. For assigning seniority to the above mentioned 6 Range Forest Officers appointed as per order No. E1.27913/2007 dated 05/03/2010, the following facts are to be taken into account.

- (i) They have been selected under FTR quota as per the rank list prepared by the KPSC in 2000
- (ii) Nine candidates in the above rank list who are respondents in Civil Appeal 865-867/2005 have been deputed for training in Forest Rangers Course 2002-04 and were appointed as Range Forest Officers as per Order No. E1-11786/99 dated 19.11.2004 and E1-11786/99 dated 14.01.2005.
- (iii) The Supreme Court has categorically stated in the judgement in Civil Appeal 865-867/2005 dated 12.10.2007 that the respondents therein namely S/ Sri B. Anil, N. Ajith, V. Santhosh Kumar, Kochukoshy, V.G.Anilkumar N.C. Anand Kumar, Koshy John and Sri.K.M.Vijayakumaran Nair will not be entitled to avail benefit of their training qua the petitioners/appellants, namely, S/Sri.R.S. Jayakumar, P.N. Premchandar, K. Anilkumar, K.G. Rajan, K.R. Anilkumar and Sri. T.R. Vijayan. Also the Supreme Court has ordered that the selection of the above mentioned eight officers who are respondents in the Civil Appeal 865-867/2005 for sending them for training was bad and that cannot be used in the service career vis-à-vis the six petitioners/appellants.
- (iv) The above mentioned six petitioners/appellants were sent for training in Forest Ranger's course based on their inclusion in the rank list of 2000 and the order dated 12.10.2007 of the Supreme Court in Civil Appeal 865-867/2005.
- (v) The Government and the High Court had directed to accommodate the six appellants in Civil Appeal 865-867/2005, in the vacancies for which selection under FTR quota was conducted by KPSC in 1999 and rank list published in 2000 and to accommodate the nine respondents in the remaining vacancies.
- (vi) After the rank list of 2000, KPSC has conducted selection under FTR quota in the year 2006 and the selected candidates had undergone training in Forest Rangers course and got appointed as Range Forest Officers.

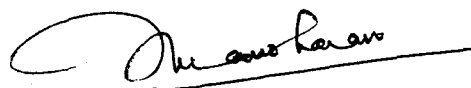
21. Taking into account all the above facts, the six Range Forest Officers namely S/ Sri. R.S. Jayakumar, P.N. Premchandar, K. Anilkumar, K.G. Rajan, K.R. Anilkumar and Sri. T.R. Vijayan have to be assigned seniority above the eight Range Forest Officers namely S/ Sri B. Anil, N. Ajith, V. Santhosh Kumar, Kochukoshy, V.G. Anilkumar N.C. Anand Kumar, Koshy John and Sri. K.M. Vijayakumaran Nair who had been sent for training and appointed after successful completion of training in 2004 and 2005. Among the above nine candidates, it is undisputed that Sri. Jose Mathew conformed to the eligibility criteria of the notification of the KPSC. His selection is sustained in the order of the Supreme Court in Civil Appeal 865-867/2005.

22. So they have been assigned seniority in the Seniority List appended to this order, based on the Apex Courts' judgement, between Sri. Jose Mathew (Seniority No. 33) and Sri. K.M. Vijayakumaran Nair (Seniority No. 40) in the order of merit in Forest Rangers Course.

23. The provisional seniority list of the Range Forest Officers as on 1/1/2011 is appended as Annexure - I

24. The Deputy Rangers who are appointed in excess of the permissible quota fixed for FNTRs are only ad hoc appointees and their names are shown in Annexure II. The promotion of these officers will be regularized as and when vacancies earmarked for them will occur in the quota earmarked for FNTR and their seniority will be assigned accordingly. They will have to be reverted as and when the regular appointees to respective quota join duty before the regularisation of their adhoc appointment.

25. The Range Forest Officers concerned are hereby requested to prefer appeals, if any, against this provisional seniority list within 3 months from the date of publication in the Government Gazette with adequate justification in support of their claims along with copies of orders, if any referred to in such appeals, attested by their respective controlling officers. If no appeals are received within the time stipulated, the list will be finalized on the presumption that the incumbents concerned are in full acceptance of the list. Appeals received after the time limit will not be considered.



Principal Chief Conservator of Forests

To

Individual (Through Head of Offices)

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Copy to PA to the Principal Chief Conservator of Forests & Head of Forest Force
Copy to PA to the Principal Chief Conservator of Forests (Social Forestry)
Copy to PA to the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden
Copy to Additional Principal Chief Conservator of Forests
Copy to Chief Conservator of Forests
Copy to Conservator of Forests
Copy to Divisional Forest Officer
Copy to Assistant Conservator of Forests
Copy to Wildlife Wardens
Copy to Senior Administrative Officer, Forest Headquarters.

