

**PROCEEDINGS OF THE CHIEF CONSERVATOR OF FORESTS
(ADMINISTRATION) FOREST HEADQUARTERS, THIRUVANANTHAPURAM**

PRESENT : K.J. VARUGHESE IFS

Sub :- Forest Department – WP(C) 28628/10 filed by Sri. P. Prasad, Forester – Judgment of the Hon'ble High Court dated 04.10.2010 – Complied with - orders issued - regarding.

Read :-

- 1. Letter No. E7-51516/93/L.Dis. dated 23.11.1993 of Chief Conservator of Forests (Administration).***
- 2. Letter No. RIC(1) 24537/98/GW dated 26.08.1998 of Secretary, Kerala Public Service Commission, Thiruvananthapuram.***
- 3. Representation dated 19.05.2008 of Sri. P. Prasad, Forester addressed to Principal Chief Conservator of Forests.***
- 4. Order No. E4-28038/03 dated 12.05.2006 of Chief Conservator of Forests (Administration).***
- 5. Letter No. RIC(1) 24537/98/GW dated 03.03.2011 of Secretary, Kerala Public Service Commission, Thiruvananthapuram.***

ORDER NO. E4- 23437/2010 Dated : 11. 03.2011

As per reference read as 1st, Sri. P. Prasad, Forester has been advised for appointment as Forester to Eastern Circle, Palakkad. He was appointed to Eastern Circle on the basis of the advice. He joined service on 22.10.1998. As per S.O. No. 24/2003 dated 09.05.2003 of Conservator of Forests, Northern Circle he has been transferred and posted to Northern Circle and is still continuing in Northern Circle.

As per the state wise final seniority list of Foresters as on 01.07.2003 issued vide reference read as 4th, his name appears in places as Sl. No. 258 and Sl. No. 768. The position assigned to him as Sl. No. 258 was on the basis of the first effective advice of the Kerala Public Service Commission, which was assigned to him in the Circle level seniority list prepared for Eastern Circle.

Consequent on his transfer to Northern Circle his name was included in the Circle level seniority list of Northern Circle as Sl. No. 768. This was on the basis of the date of joining of the petitioner in the Northern Circle.

When the Circle level seniority lists are merged to prepare the state wide seniority list of Foresters his name appeared in two places assigned to him in Eastern Circle and Northern Circle.

The Ext. P9 representation has been preferred by the petitioner stating that he is eligible for rank in the state wise seniority list at place 258. As per the judgment dated 04.10.2010 the Hon'ble High Court had directed the second respondent, Chief Conservator of Forests to dispose the representation after hearing the petitioner as well as the 5th respondent, Sri. M. Anil kumar, Deputy Ranger, who is one among the candidates advised by the advice memo referred as 2nd. Accordingly both of them have been heard personally on 27.01.2011 by Chief Conservator of Forests (Administration).

The main points raised by the petitioner in Ext. P9 representation are the following.

- (i) *He was selected for appointment in Kozhikode circle and was posted to Olavakode Circle without obtaining his consent.*
- (ii) *He was transferred to Kozhikode Circle, Kannur Division and the transfer was not an inter circle transfer as it was before completing 5 years in Olavakode Circle. He had also not agreed to be the junior most in Northern Circle.*
- (iii) *He was included at Sl. No. 258 in the final seniority list of Foresters and he was not aware of his inclusion at Sl. No. 768 also. He came to know of it only when he made enquiries regarding his non-promotion when his juniors had been promoted. That is the reason for not objecting to the seniority at Sl. No. 768.*
- (iv) *He may be promoted to the level of Deputy Ranger as per his seniority as Sl. No. 258.*

In the personal hearing, the petitioner submitted that he had applied for appointment to the post of Forester in Northern Circle but was advised for Eastern Circle without his consent. Hence the matter has been taken up with the Secretary, Kerala Public Service Commission. As per reference read as 5th above it has been reported that Sri. P. Prasad has been advised for appointment against the vacancy reported from Olavakode Circle. It is further reported that the advice was on the basis of the requisition to fill up the vacancies of Olavakode Circle from the rank list being prepared for Northern Circle based on the request of the Chief Conservator of Forests as per letter E7-51516/93/L.Dis. dated 23.11.1993 on a detailed verification it is found that as per reference 1st cited, it has been requested to fill up the vacancies of Olavakode Circle from the list being prepared for Northern Circle. Hence the petitioner's claim that his transfer to Kozhikode Circle based on his request on a later date cannot be considered as inter unit transfer is found to be genuine.

Hence it is provisionally decided to reassign the seniority of Sri. P. Prasad, Forester to the position of Sl. No. 258 on the basis of the first effective advice. Those

who have any objections against this decision are allowed to file the objection within 45 days of the date of the order. A final decision will be taken after hearing the objections, if any filed within the stipulated. *time*.

The Hon'ble High Court direction in WP(C) 28628/10 is thus complied with.



Chief Conservator of Forests (Admin.)

To



Sri. P. Prasad, Forester through Chief Conservator of Forests, Northern Circle, Kannur.

Copy to :

Chief Conservator of Forests (FMIS) Please make necessary arrangements to publish the order in the website.

*Chief Conservator of Forests, Northern Circle, Kannur.
Chief Conservator of Forests, Eastern Circle, Palakkad.
Chief Conservator of Forests, Central Circle, Thrissur.
Chief Conservator of Forests, High Range Circle, Kottayam.
Chief Conservator of Forests, Southern Circle, Kollam.*

A copy of the order may be served to the incumbents who are in service and whose names appear from Sl. No. 259 in the state level final seniority list of Foresters as on 1.7.2003 on proper acknowledgement. The acknowledgement obtained may be forwarded to this office at the earliest.

All incumbents who are in service and whose names appear from Sl. No. 259 in the state level final seniority list of Foresters as on 01.07.2003 (through respective territorial Chief Conservators of Forests). Objections if any, may be filed within stipulated time.