

**PROCEEDINGS OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
(WILDLIFE) & CHIEF WILDLIFE WARDEN, KERALA**

Present : V.Gopinathan

Sub: **Kerala Forest Department - Final Seniority List of
Range Forest Officers as on 01.01.2011- Orders issued
- reg.**

- Read: 1. Order No. E1-21648/04 dated 12-01-2006 of the Chief
Conservator of Forests (Administration)
2. Order No. D1- 22673 /2010 Dated 28.03.2011 of the
Principal Chief Conservator of Forests
3. Order No. E1-6549/2008 dated 30.11.2011 of the
Principal Chief Conservator of Forests

Order No. D1- 26673 /2010 Dated 30.04.2012

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 read 1st above. 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 recognized 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 as 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 |
| 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. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them |

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 Hon'ble High Court as per judgment dated 5/10/2002. All the 9 writ petitions were disposed together in the above common judgment. The operative part of the judgment 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 judgment 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 judgment 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 directions 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 shall 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. Premchandrar, 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. Premchandrar, 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. It is undisputed that Sri. Jose Mathew conformed to the eligibility criteria specified in 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 Provisional Seniority List, 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. Under the above circumstances, a provisional seniority list of Range Forest officers as on 01-01-2011 was published as per order No. D1-22673/2010 dated 28-3-2011 of the Principal Chief Conservator of Forests read 2nd above as Annexure I of the said order.

24. The Deputy Rangers who are promoted and appointed in excess of the permissible quota fixed for FNTRs are only ad hoc appointees and their names are shown in Annexure II of the order mentioned above.

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

26. Thereafter the provisional seniority list was uploaded in the official web portal of the Kerala Forest Department and the same was printed and communicated to all the Circle Heads with request to take necessary further action to supply the same to the Range Forest Officers working in the Divisions under their jurisdiction through the concerned Divisional Forest Officers/Wild Life Wardens/Forest Working Plan Officers/Assistant Conservator of Forests. It was further requested to obtain record of receipt of the seniority list by the Range Forest Officers from the concerned Division Heads and forward the same to Chief Conservator of Forests (Administration).

27. In response to the objections called for, the following Range Forest Officers have submitted objections.

| Sl.No | Name | Category | Date of Appeal/Representation |
|--------------|------------------|-----------------|--------------------------------------|
| 1 | A.P.Imthiyas | DR | 16.06.2011 |
| 2 | M. Adersh | DR | 18.06.2011 |
| 3 | M.A. Anaz | DR | 06.04.2011 |
| 4 | Manu Sathyan | FA | 10.05.2011 |
| 5 | Afsal Ahamed | FA | 09.05.2011 |
| 6 | Y. Muhamed Anvar | FA | 09.05.2011 |
| 7 | N. Sanathkumar | FA | 06.06.2011 |
| 8 | Baiju Krishnan | FA | 14.05.2011 |
| 9 | K.Anilkumar | FTR | 17.04.2011 |
| 10 | P.N. Premchandar | FTR | 17.04.2011 |
| 11 | K.G. Rajan | FTR | 22.04.2011 |
| 12 | T.R. Vijayan | FTR | 20.04.2011 |
| 13 | K.R. Anilkumar | FTR | 27.04.2011 |
| 14 | R.S.Jayakumar | FTR | 28.04.2011 |
| 15 | V.Santhosh Kumar | FTR | 07.04.2011 |
| 16 | G.Jayachandran | FTR | 01.04.2011 |
| 17 | S. Heeralal | FTR | 27.06.2011 |
| 18 | K.Kochukoshy | FTR | 24.06.2011 |
| 19 | Jose Mathew | FTR | 11.08.2011 |
| 20 | T.Suresh Babu | FNTR | 26.06.2011, 10.08.2011 |
| 21 | P.V. Natesan | FNTR | 10.08.2011 |
| 22 | T.P.Sreekumaran | FNTR | 10.08.2011 |
| 23 | V.A. Mohanan | FNTR | 10.08.2011 |

| Sl.No | Name | Category | Date of Appeal/Representation |
|--------------|----------------------|-----------------|--------------------------------------|
| 24 | K.G. Vararuchi | FNTR | 07.06.2011, 10.08.2011 |
| 25 | C.K.Johnson | FNTR | 23.06.2011 |
| 26 | M. Asokan | FNTR | 27.06.2011 |
| 27 | J. Satheesan | FNTR | 25.06.2011 |
| 28 | Raju Michel | FNTR | 15.06.2011 |
| 29 | P.G. Chandran Pillai | FNTR | 13.06.2011 |
| 30 | K. Premarajan | FNTR | 08.06.2011 |
| 31 | K. Suku | FNTR | 16.05.2011 |
| 32 | A.K.Gopalan | FNTR | 30.05.2011 |
| 33 | P.M. Venugopalan | FNTR | 06.04.2011, 16.08.2011 |
| 34 | K. Radhakrishna Lal | FNTR | 05.08.2011 |
| 35 | C.S. Pabhudasan | FNTR | 30.04.2011 |
| 36 | K.P. Shaji | FNTR | 25.05.2011 |
| 37 | P.K. Pradeep | FNTR | 09.06.2011 |
| 38 | S.S. Jayanthakumar | FNTR | 24.05.2011 |
| 39 | Shaji K. Varkey | FNTR | 20.06.2011 |

28. The contentions raised in the appeals filed by the Range Forest Officers are detailed below in the ensuing paras. In respect of the joint appeals and individual appeals containing same contentions are considered together. The objections raised in the appeals have been examined in detail and are disposed of as hereunder.

29. Main contentions raised by S/ Sri. A.P.Imthiyas and M. Adersh

Their names are noted as Sl.no.94 and 95 in the provisional seniority list of Range Forest Officers as on 01.01.2011. They were advised by the Kerala Public Service vide RIC (I) 6288/2003/GW dated 08.09.2006 for the post of Range Forest Officer in the category of Direct Recruitment. It is mentioned in the proceedings order that 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. They have been placed in the seniority list by taking into account of the date of appointment. ie 18.10.2007 instead of reckoning the date of KPSC advice memo ie 08.09.2006 for fixing their seniority.

30. 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. The date of advice of the Range Forest Officers

under DR quota appointed as per order no. E1-553/2007 dated 18.10.2007 viz S/Sri. C.P.Aneesh, A.P.Imthiyas and M. Adersh is 29.11.2005, 08.09.2006 and 08.09.2006 respectively. As such S/Sri. C.P. Aneesh, A.P. Imthiyas and M. Adersh are assigned seniority in the appended Annexure I list as Serial no.56, 62 and 63 respectively.

31. Main contention raised by Sri.M.A Anaz

In view of the facts mentioned in the appeal and copies of documents enclosed he has requested to re-assign his seniority accordingly after declaration of probation.

32. The appointment of Sri. M.A. Anaz in the cadre of Range Forest Officer is not yet regularized. As such his exact seniority can be assigned only on regularization of appointment. Separate orders in this regard will be issued on regularization of appointment.

33. Main contentions raised by S/Sri. Manu Sathyan, Afzal Ahamed, Y. Muhamed Anvar and N.Sanath Kumar

Their batch, comprising of eight candidates, were selected to undergo 18 months Rangers Course (2005-06) at various Forest Service Colleges. They are the 4th, 1st, 5th and 6th rank holders respectively in the rank list published by Public Service Commission. From the Ranked List, eight candidates were advised by PSC on two different dates. The candidates bearing rank 1, 2, 3, 5 and 6 were advised by PSC on 05-10-2004 and the candidates bearing rank 4, 8 and 13 were advised on 28-11-2004. Based on the proceedings order No. E1-31797/2003 dated 16-3-2005 of the Chief Conservator of Forests (Administration) four of the above eight trainees were send to State Forest Service College, Coimbatore, two to Eastern Forest Rangers College, Kurseong, West Bengal and two to State Forest Service College, Burnihat, Assam. No criteria were followed while distributing the candidates to these colleges. While issuing the proceedings order it was known that the course at SFSC, Coimbatore was proposed to start from 01-4-2005 and that at other colleges were proposed to start on 07-4-2005, which is evident from the first tabular column in the proceedings which gives the details about the seats allotted to the three colleges. The candidates having ranks 2, 3, 8 and 13 were selected to undergo training at SFSC, Coimbatore and candidates who ranked 1 and 6 were selected to undergo training at Eastern Forest Rangers College, Kurseong and those having rank 4 and 5 were selected to undergo training at SFSC, Burnihat, Assam without following any criteria.

They were recruited as Forest Ranger trainee as per PSC advice No. RIC (1) 29379/2004/GW dated 05.10.2004 and 28-11-2004 and deputed for training at State Forest Service Colleges as shown below

| Sl.No | Name | Name of College | Date of commencement of course |
|-------|-----------------|---|--------------------------------|
| 1 | Manu Sathyan | State Forest Service College, Burnihut, Assam | 07.04.2005 |
| 2 | Afsal Ahamed | State Forest Service College, Kurseong, West Bengal | 07.04.2005 |
| 3 | N. Sanath Kumar | State Forest Service College, | 07.04.2005 |

| | | | |
|---|------------------|--|------------|
| | | Burnihut, Assam | |
| 4 | Y.Muhammed Anvar | State Forest Service College, Kurseong, West Bengal | 07.04.2005 |

This caused extension of training for a period of six days when compared with the candidates sent for training at State Forest Service College, Coimbatore, wherein the training started on 01-4-2005, which was not due to their fault. So also, after completion of training, they couldn't report for duty on the very immediate next day due to the fact that it takes 72/60 hours journey in Train from Assam/ West Bengal to Thiruvananthapuram respectively. But the trainees from SFSC, Coimbatore reported for duty immediately, because the journey time was only less than ten hours for them.

Thus the criteria for preparing the seniority position on the basis of the order and date of appointment as Forest Range Officer is not justifiable and against natural justice. If it was to be followed, then naturally the candidates should have been sent to the college according to the merit in the rank list, where the training was scheduled to be started first and the trainees should be sent to different colleges based on their advice dates by the PSC, thereby enabling them to join first after the successful completion of the training. Thus their seniority could have been respected. Without following any criteria candidates having ranks 2, 3, 8 and 13 were selected for training at State Forest Service College, Coimbatore where the training was scheduled to start early thereby enabling them to join on duty early after the successful completion of the training. The next batch of Forest Apprentice (2006-07 batch) which comprised of 25 trainees were together sent to SFSC, Coimbatore considering the above difficulties.

The juniors advised by PSC are assigned higher positions in the seniority list (positions from 76 to 88). The faculties, the method of teaching, question papers, mode of valuation etc. were all different at different colleges. The marks obtained by trainees at different colleges cannot thus be compared and counted towards seniority. This fact was also not considered while preparing the seniority list. Therefore the criteria for preparing the seniority list may be reviewed on the basis of the date of PSC advice and the order of rank obtained in the KPSC Examination, as detailed in the general rules, considering their as a special case. The positions in the seniority list may be re assigned by considering the above facts and the general rules.

In the provisional seniority list published they are junior to their batch mates who completed training at Coimbatore, who had all facilities during the training and were nearby their home.

Sri. Manu Sathyan stated in the appeal that he is a post graduate in Physics but his educational qualification in the provisional seniority list is given as B.Sc.Physics and produced attested copies of certificates in support of the claim

Sri. N. Sanathkumar also stated in the appeal that he is a post graduate in Analytical Chemistry and a degree of Bachelor of Education in Physical Science but his educational qualification in the provisional seniority list is given as

B.Sc.Chemistry only and produced attested copies of certificates in support of the claim.

34. As per letter No. RIC(1) 29379/04/GW dated 05.10.2004 of the Kerala Public Service Commission 5 candidates were advised for Rangers Course. Again as per Letter No. RIC (1) 29379/04/GW dated 28.11.2004, 3 more candidates were advised for Rangers Course as detailed below.

| Sl.No. | Name | Advice Letter No. |
|---------------|----------------------|---------------------------------------|
| 1 | Sri. Afsal Ahamed | RIC(1) 29379/04/GW dated 05.10.2004 |
| 2 | Sri.R.Sivaprasad | |
| 3 | Sri.N.Sanath Kumar | |
| 4 | Sri.Y. Muhamed Anvar | |
| 5 | Sri. Baiju Krishnan | |
| 6 | Smt. A. Shajna | RIC (1) 29379/04/GW dated 28.11.2004 |
| 7 | Sri. Manu Sathyan | |
| 8 | Smt. Sumi Joseph | |

The above said eight candidates were sent for training in 3 Rangers Colleges as noted below as per order No. E1-31797/2003 dated 16.03.2005 of the Chief Conservator of Forests (Administration)

| Sl. No. | Name | Name of College | Date of Commencement of Course |
|----------------|---------------------|---|---------------------------------------|
| 1 | Sri. Afsal Ahamed | Eastern Forest Rangers College, Kurseong, West Bengal | 07.04.2005 |
| 2 | Sri.R.Sivaprasad | State Forest Service College, Coimbatore , Tamil Nadu | 03.04.2005 |
| 3 | Sri.N.Sanath Kumar | State Forest Service College, Burnihat Assam | 07.04.2005 |
| 4 | Sri.Y.Muhamed Anvar | Eastern Forest Rangers College, Kurseong, West Bengal | 07.04.2005 |
| 5 | Sri. Baiju Krishnan | State Forest Service College, Coimbatore , Tamil Nadu | 03.04.2005 |
| 6 | Smt. A. Shajna | State Forest Service College, Coimbatore , Tamil Nadu | 03.04.2005 |
| 7 | Sri. Manu Sathyan | State Forest Service College, Burnihat Assam | 07.04.2005 |

| Sl. No. | Name | Name of College | Date of Commencement of Course |
|---------|------------------|---|--------------------------------|
| 8 | Smt. Sumi Joseph | State Forest Service College, Coimbatore , Tamil Nadu | 03.04.2005 |

On completion of training, the candidates deputed to State Forest Service College, Coimbatore , Tamil Nadu reported for duty 03.10.2006 and after one year practical training in the Department, they were appointed as Range Forest Officers as per order No. E1-553/2007 dated 03.10.2007 of the Chief Conservator of Forests (Administration). The candidates who were sent for training in Assam and West Bengal came back only on 11.10.2006 after completion of training after a period of interval of about one week. They were appointed as Range Forest Officers on completion of one year practical training as per order No. E1-553/2007 dated 11.10.2007 of the Chief Conservator of Forests (Administration).

The seniority of the above said 8 Range Forest Officers are reassigned taking into account the following facts. The candidates are not seen deputed in the order of merit in the advice of PSC. 4 candidates are appointed on 03.10.2007 since they completed the Rangers Course in the nearby State Forest Service College, Coimbatore. 4 candidates are appointed only on 11.10.2007 since they completed the Rangers training later in far away State Forest Service Colleges in Assam and West Bengal and in the said colleges, the course was also started later. The faculties, the method of teaching, question papers, mode of valuation etc. were all different at different colleges. So in order to give merit to the said Range Forest Officers, their seniority is reassigned as per the Rank awarded to the candidates who were advised by the KPSC on 05.10.2004 and 28.11.2004 respectively. Accordingly they have been assigned seniority from 74 to 81 in the appended Annexure I seniority list taking into consideration of advice date of PSC and also rank obtained in the respective colleges.

The educational qualification of Sri. Manu Sathyan is corrected as MSc. Physics and in respect of Sri. N. Sanath Kumar is corrected as MSc. Analytical Chemistry and BEd. Physical Science in the appended Annexure I list.

35. Main contention raised by Sri.Baiju Krishnan

In the provisional seniority list his educational qualification was given as BSc. Chemistry. He is having post graduation in Chemistry and has completed BEd. Course also. He has requested to correct the educational qualifications and produced attested copies of relevant certificates.

36. The educational qualification is corrected as MSc. Chemistry and BEd.Physical Science in the Appended Annexure I list.

37. Main contentions raised by S/Sri. K. Anil Kumar, P.N.Premchandrar K.G.Rajan, T.R.Vijayan, K.R. Anil Kumar and R.S.Jayakumar

- i. In the provisional seniority list, their provisional seniority as Range Forest Officer is from 14-01-2005. The fixing of seniority itself is illegal and

improper. Their seniority ought to have been with effect from the year 2003 as it was not on their fault they were not sent for Forest Rangers Course 2002-03 enabling their promotion as Forest Ranger in 2003. This date 14-01-2005 is actually arbitrary as choice of that date is the date their juniors were illegally deputed for training and became promoted subsequently after completion of their Rangers Course. So going by the spirit of the Hon'ble Supreme Court judgment which upheld their contention of the illegality in sending their juniors for training, the Principal Chief Conservator of Forests ought to have given them seniority with effect from the year 2003.

- ii. Following the Hon'ble Supreme Court's judgment dated 12-10-2007 in Civil Appeal No. 865-867 of 2005, Government issued letter No. 2446/F3/2008/F&WLD dated 20-5-2008 to promote them from the post Deputy Ranger it was in obedience to the Government letter that as per Order No. E1-27913/2007 dated 03-6-2008 of the Chief Conservator of Forests (Administration) was issued promoting them as Range Officers on condition that their posting shall be subject to their successful completion of the Rangers Training in the Forest College under the Director, Forest Education, Government of India, Dehra Dun. Actually therefore their probation also starts from the date of this promotion it runs through the period of training also. It therefore follows that after their successful completion of training and on subsequent posting and to any stretch after their one year service in the post of Range Officer their period of probation has become over. In view of the above, they have requested to assign seniority of Range Forest Officer with effect from the year 2003.

38. The above Range Forest officers were the petitioners in the Civil Appeal No. 865-867/2005. The said Civil Appeal is disposed of by the Hon'ble Apex Court as per the judgment dated 12.10.2007. The operative part of the judgment 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".

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.

Accordingly, S/ Sri. R.S. Jayakumar, P.N. Premchandrar, 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.

Range Forest Officers namely S/ Sri. R.S. Jayakumar, P.N. Premchandrar, 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, K. 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. He has been appointed as Range Forest Officer on completion of Forest Rangers Course on 14.01.2005. As such the above said Range Forest Officers have been assigned seniority with effect from 14.01.2005 in the order of the rank obtained the Training College.

In view of the above facts, the requests of the Range Forest Officers S/Sri. K. Anil Kumar, P.N.Premchandrar, K.G.Rajan, T.R.Vijayan, K.R. Anil Kumar and R.S.Jayakumar to assign seniority to them with effect from the year 2003 cannot be granted and hence rejected.

39. Main contentions raised by Sri. V. Santhoshkumar

On completion of the Rangers course he joined duty as Ranger under FTR quota on 14.01.2005. Seven more Range Forest Officers were also joined duty on the same day after completing the course at State Forest Service College, Coimbatore. In view of the pending disposal of the Civil Appeal No. 865-867/2005 before the Hon'ble Supreme Court, the training certificate in respect of the 8 Range Forest Officers was not issued. 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. The seniority of the above said Range Forest Officers are assigned as per the order of the Kerala Public Service Commission's advice. The seniority may be reassigned based on their rank obtained from the State Forest Service College, Coimbatore.

40. The Director , Forest Education , Government of India have not issued the course certificate in respect of the Range Forest Officers, who were the respondents in the Civil Appeal No. 865-867 of 2005 and appointed as per order No.E1-11786/99 dated 14.01.2005 of the Chief Conservator of Forests (Administration). The matter shall be examined after the receipt of course certificate and the seniority shall be reassigned on the basis of their rank obtained in the college, if found necessary.

41. Main contention raised by Sri.G.Jayachandran

He has completed ten years service as on 08.05.2008 and completed five years service as Forester on 16.02.2009. He is eligible for promotion as Range Forest Officer as on 16.02.2009 as he is first rank holder in Forester training. He was promoted as Range Forest Officer only on 30.09.2009. In the provisional seniority list of Range Forest Officers as on 01.01.2011, his place is 147. If he was promoted on 16.02.2009 he would have been placed as 123rd member in the seniority list. He had all the requisites necessary for promotion as Range Forest Officer as on 16.02.2009. His promotion may be reassessed from 16.02. 2009 so that he could get legitimate service benefits including his seniority in service.

42. On receipt of the claim from Sri. G. Jayachandran for promotion as Range Forest Officer being 1st Rank Holder in Forester Training, he has been promoted as Forest Ranger as per the order dated 14.08.2009 after completing the procedures. As such he is eligible for getting seniority in the cadre of Range Forest Officer with effect from the date of order of promotion ie 14.08.2009 only.

In view of the above facts, the request of Sri. G. Jayachandran to assign seniority to him with effect from 16.02.2009 cannot be granted and hence rejected.

43. Main contentions raised by Sri. S. Heeralal

i. As the existing Kerala Forest Service Special Rules did not clearly specify the rules for assigning the seniority of Rangers, General Rule is to be made applicable in the case of seniority fixing among candidates from the same PSC Rank list. Selected candidates are send to training in different forestry colleges , each college has their own teaching, question and valuation methods , different passing out dates and there is no centralized valuation also. It is better to fix General Rule for fixing the criteria for assigning seniority among the candidates from the same PSC Rank list.

ii. In the provisional seniority list, the date of arising vacancy of the FTR candidates has been calculated wrongly and there by seniority is assigned in an improper manner.

iii. The seniority of DR candidates is determined with respect to the date of advice by the PSC before completing the training or before appointment to the post. This is irregular.

44. i. The Provisional Seniority list published as per the order dated 28.03.2011 is the seniority list of Range Forest officers appointed as per rules in the Kerala Forest Subordinate Service Rules,1962. As such their seniority can only be assigned as per the said rules.

ii. The incumbents were selected by the Kerala Public Service Commission for appointment as Range Forest Officer under FTR Quota are deputed to undergo the Rangers' course and only on successful completion of Forest Rangers course they become Forester/Deputy Ranger 'Trained as Ranger' who are eligible for appointment by the appointing authority. Their seniority shall be determined with respect to the date of order of the appointing authority. 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.

iii. The seniority of DR candidates is determined as per the Kerala Forest Subordinate Service Rules,1962 and as such no irregularity is committed in assigning seniority to the DR candidates.

In view of the above facts, the requests of Sri. S.Heeralal cannot be granted and hence rejected.

45. Main contentions raised by Sri. K. Kochukoshy

In the provisional seniority list his name is assigned as Sl.no.44. He is duly qualified and got appointment to the post of Range Forest Officer by promotion on 14.01.2005. From serial no.33 onwards were assigned seniority over him in obedience to the judgment in CA No.865-867/2005 of the Hon'ble Supreme Court of India in which he is not a party in the appeal. Rule 27 of the Kerala State and Subordinate Service Rules stipulates that seniority is to be determined by the date of the order of the first appointment to the service. He is entitled to get seniority assigned over serial no.33 in the provisional list as per the provisions of the Kerala State and Subordinate Service Rules and Kerala Forest Subordinate Service Rules.

46. The incumbents under FTR quota were selected by the Kerala Public Service Commission and deputed to undergo the Rangers' course and 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. On completion of Forest Rangers Course, Sri. Kochukoshy was appointed Range Forest Officer as per order No. 11786/99 dated 14.01.2005 of the Chief Conservator of Forests (Administration) and as such he is eligible for getting seniority with effect from 14.01.2005 only. The reasons lead to the assignment of seniority to the Range Forest Officers in obedience of the judgment in CA No.865-867/2005 of the Hon'ble Supreme Court of India are well explained in para 9 to 21 of this order.

In view of the above facts, the request of Sri. K.Kochukoshy cannot be granted and hence rejected.

47. Main contentions raised by Sri. Jose Mathew

The Kerala Public Service Commission invited applications as per notification No. R&A1(3) 13557/2000/GW Dated 30-5-2000 from qualified candidates for the selection to be deputed for training to the Forest Rangers Course 2001-2003 in SFRC, Coimbatore from among the Departmental candidates, under FTR quota. The PSC had conducted the selection and published the select list of 34 candidates according to their rank. In this select list he secured 1st rank. Since he secured 1st rank in the 36th batch of Foresters' training held at Kerala Forest School, Walayar, he was exempted from the competitive examinations conducted by KPSC in connection with the preparation of selection list. Kerala Public Service Commission issued advice memo No. RIC (1) 39539/2000/GW Dated 18-11-2000 to him and informed that he had been selected for Forest Range Officers' course and further orders will be received from Forest Department. The date of commencement of training course mentioned in the PSC notification was 01-4-2001.

After a series of court cases, the Chief Conservator of Forests (Administration), Thiruvananthapuram deputed him for training as per order No. E1-11786/99 dated 21-12-2002 and he joined the training course on 14-01-2003. The training was completed on 13-01-2005 and was appointed as Forest Range Officer as per order No. E1-11786/99 Dated 14-01-2005. This date is the critical date for determining seniority published in the provisional seniority list.

The petitioners in OP. 33355/2000 and connected petitioners were moved to the Hon'ble Supreme Court of India and filed appeal against the orders passed by the Hon'ble High Court of Kerala as CA. 865-867/2005. These appeals were allowed by the Hon'ble Supreme Court of India by the order passed on 12-10-2007. The operative part of this judgment is clearly recorded in the provisional seniority list. In that judgment also declared that Jose Mathew is eligible to get training. This will clearly shows that neither High Court nor the Supreme Court opined or ordered even in any time that he is not entitled for Rangers training. He got the advice memo from KPSC on 18-11-2000. The course started at State Forest Service College, Coimbatore on 01-11-2001 only which was long after the issuance of advice memo by KPSC on 01-11-2001 no stay order from any court was standing against the deputation of him for Rangers' training. But Government of Kerala has taken erroneous stands and refused to send him for training. If he was deputed for training on 01-11-2001 he would have completed the two years training on 31-10-2003 and appointed as Forest Range Officer on 01-11-2003. Therefore 01-11-2003 is the critical date for determining seniority in his case.

In the case of Sri. Radhakrishnan S.R (Sl. No. 22) to Sri. Ajith.K.Raman (Sl. No. 32) in the provisional seniority list, the date of joining in the service as Forest Range Officer is on 10-6-2004 only. This is the critical date for determining seniority for them when they are compared with other batch of Range Officers. Since his critical date for determining seniority is 01-11-2003 which is prior 10-6-2004. He is entitled to get seniority above Sri. Radhakrishnan S.R (Sl. No. 22) to Sri. Ajith.K.Raman (Sl. No. 32) in the final seniority list.

In the above circumstances referred above, Sri. Jose Mathew has claimed that he is entitled to get the critical date for determining seniority as 01-11-2003 and his place in the seniority list may be given as Sl. No. 22.

48. The incumbents under FTR quota were selected by the Kerala Public Service Commission and deputed to undergo the Rangers' course and 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. On completion of Forest Rangers Course, Sri. Jose Mathew was appointed Range Forest Officer as per order No. 11786/99 dated 14.01.2005 of the Chief Conservator of Forests (Administration) and as such he is eligible for getting seniority with effect from 14.01.2005 only. Further the reasons that lead to the assignment of seniority to the Range Forest Officers in obedience of the judgment in CA No.865-867/2005 of the Hon'ble Supreme Court of India and his seniority also are well explained in para 9 to 21 of this order. Sri. S.R. Radhakrishnan and Sri Ajith.K.Raman were appointed as Range Forest Officers under DR quota and as such they are assigned seniority as per the date of advise of the Kerala Public Service Commission.

In view of the above facts, the request of Sri. Jose Mathew cannot be granted and hence rejected.

49. Main contentions raised by S/Sri. T.Suresh Babu, P.V. Natesan, T.P.Sreekumar, V.A. Mohanan and K.G. Vararuchi

- i. All of them were promoted as Range Officers in the year 2003.
- ii. The foresters who are selected for under going the ranger training programme (FTR) are to have completed the probation in the cadre of forester/Deputy Range Officer and also should have completed five years of service as Forester. This was the normal practice that was followed in the department. However, by a mistake, eight persons namely K.M.Vijayajakumaran Nair, Anil.B., Ajith.N., Santhoshkumar.V., Kochukoshy.K., Anilkumar.V.G., Anandakumar N.C. and Koshy John, whose probation were not declared and who had not completed five years of service as Forester were selected for undergoing the ranger training and they appointed as ranger on 14-01-2005.
- iii. This was challenged by Shri. P.N.Premchandrar and others. As per judgment in Civil Appeal No. 865/2005 the Hon'ble Supreme Court held that the aforesaid eight persons are not qualified for going for training and they will not be entitled to avail benefit of their training qua the petitioners therein. Accordingly, Shri. Premchandrar and others were sent to training and given promotion as Range Officer. This was in 2010.
- iv. There is no final seniority list of forest range officer in the department at present. Though a provisional seniority list as on 01-01-2006 was published inviting objections, there was no finalization of the list. Many persons had filed objection against the said list.

- v. Recently, the Principal Chief Conservator of Forests has issued proceedings by which a provisional seniority list was published inviting objections. Most of them had filed objections to the said list. Their main contentions are as follows.
- a. Since the above said eight persons namely K.M.Vijayakumaran Nair, Anil.B., Ajith.N., Santhoshkumar.V., Kochukoshy .K, Anilkumar.V.G., Anandakumar N.C. and Koshy John are not entitled to get the benefit of training until their probation is declared in the post of forester and expiration of five years of service as forester, which are the mandatory conditions for being selected for training. hence they should be given seniority only on the date on which the two year training period after declaration of probation in the post of forester and completion of five year service as forester is over. They also understand that the above said eight persons have not produced any certificate certifying that they have successfully completed the training. This is a condition precedent for treating them in the category of forester trained rangers (FTR).
 - b. The assignment of the critical date of promotion in the said list is faulty. Persons who were not even in service on the date were given seniority taking into account the alleged critical date of promotion, which is also fault.
- vi. These objections were clearly made by them in response to the provisional seniority list as on 01.01.2006. However, they apprehend that the fate of the provisional seniority list as on 01-01-2006 will be repeated as regards the present provisional seniority list also and the provisional seniority list as on 01.01.2011 will not be finalized.

50. i. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) 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. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. All of the above said Range Forest Officers are promoted under the FNTR Quota provisionally and their seniority is assigned on the date they are eligible for regular promotion.

ii. The reasons that lead to the assignment of seniority to the respondents in CA No.865-867/2005 except Sri. Jose Mathew viz S/Sri. K.M.Vijayakumaran Nair, Anil.B., Ajith.N., Santhoshkumar.V, Kochukoshy, Anilkumar.V.G., Anandakumar N.C. and Koshy John in obedience of the judgment of the Hon'ble Supreme Court of India are well explained in para 9 to 21 of this order.

iii. The provisional seniority list as on 01.01.2011 was published in continuation to the provisional seniority list as on 01.01.2006 and all the incumbents who are now in position in this list have been included in the list as on 01.01.11. Objections if any regarding the list dated 01.01.2011 were called for and all the

objections received so far have been considered. Necessary corrections/modifications were made in the seniority list wherever found necessary, based on the contentions raised in the objections. Since all the objections received regarding the seniority list have been considered and disposed, it is not found necessary at this point to consider the objections raised regarding the seniority list dated 01.01.2006 separately.

In view of the above facts, the requests of S/Sri. T.Suresh Babu, P.V. Natesan, T.P.Sreekumar, V.A. Mohanan and K.G. Vararuchi cannot be granted and hence rejected.

51. Main contentions raised Sri. T.Suresh Babu

- i. He is working as Range Forest Officer with effect from 22.05.2003. He has been promoted as Range Forest Officer as per order No. E1-813/2003 dated 16.04.2003 of the Chief Conservator of Forests (Administration) under FNTR quota. His name is included as Sl.No. 48 in the provisional seniority list as on 01.01.2011. But he has to assigned seniority as Sl.No. 22.
- ii. The persons having Sl.No. from 22 to 32 in the said seniority list are appointed as per order No. E1-1126/03 dated 10.06.2004 under DR Quota and they are commenced service with effect from 10.06.2004. The persons having Sl.No. 33 and from 40 to 47 are appointed as per order No. E1-1178/98 dated 14.05.2005 under FTR Quota and they commenced service with effect from 14.05.2005. The persons having Sl.No. from 34 to 39 are appointed as per order No. E1-27913/07 dated 05.03.2010 and they are commenced service with effect from 05.03.2010. The Kerala Public Service Commission vide letter No.RIC (1) 39539/2000/GW dated 17.09.2008 cancelled the advice of the Range Forest Officers having seniority no. from 40 to 47.
- iii. All the above said Range Forest Officers from Sl.No. 22 to 47 were commenced service only after he has been promoted as Range Forest Officer.

He has drawn the attention to rulings of The Hon'ble Supreme Court of India in Civil Appeal Nos. 9906/2003 dated 10.02.2011 and furnished a copy the same. He has requested to assign him seniority with effect from 22.05.2003, the day from which he has commenced service as Range Forest Officer.

52. i. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. Sri. T. Suresh Babu has been provisionally promoted as Range Forest Officer as per the order dated 16.04.2003. He is eligible for regular promotion in the quota earmarked for FNTRs with effect from 01.05.2005 and accordingly he has been assigned seniority from the said date.

ii. The reasons that lead to the assignment of seniority to the respondents in CA No.865-867/2005 except Sri. Jose Mathew viz S/Sri. K.M.Vijayakumaran Nair, Anil.B., Ajith.N., Santhoshkumar.V, Kochukoshy.K, Anilkumar.V.G., Anandakumar

N.C. and Koshy John in obedience of the judgment of the Hon'ble Supreme Court of India are well explained in para 9 to 21 of this order.

iii. The Provisional Seniority list published as per the order dated 28.03.2011 is the seniority list of Range Forest officers appointed as per rules in the Kerala Forest Subordinate Service Rules,1962. As such their seniority can only be assigned as per the said rules. The rulings of the Hon'ble Supreme Court in Civil Appeal No. 9906/2003 is applicable in the instant case.

In view of the above facts, the request of Sri. T. Suresh Babu cannot be granted and hence rejected

53. Main contentions raised by Sri. K.G. Vararuchi

i. He has been assigned seniority as Sl. No.57 in provisional seniority list as on 01.01.2011. He has been included in the list with effect from 01.02.2006 only, though promoted from the cadre of Deputy Ranger and working as Range Forest Officer since 2003. He has been working as Range Forest Officer, before Sri. S.R. Radhakrishnan having seniority no. 22 was appointed and has not been reverted from the post of Range Forest Officer. As such he is to be assigned seniority before person having seniority no. 22.

ii. Though it is mentioned in para 8 (4) of the order that 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, he has been assigned seniority with a later date against the said criteria.

iii. The assignment of seniority above him to the Range Forest Officers mentioned in para 2 (iii) of the order is not justifiable and the critical date assessed in the seniority list is not correct.

In view of the above, he has requested to assign him seniority above the person having seniority no. 22 with effect from the date he has been promoted to the cadre of Range Forest Officer

54. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. Sri. K.G. Vararuchi has been provisionally promoted as Range Forest Officer as per the order dated 16.04.2003. He is eligible for regular promotion in the quota earmarked for FNTRs with effect from 01.02.2006 and accordingly he has been assigned seniority from the said date.

In view of the above facts, the request of Sri. K.G. Vararuchi cannot be granted and hence rejected.

55. Main contentions raised by Sri. C.K.Johnson

i. He was promoted as Forest Ranger vide order No.E1-500/2006 dated 10.08.2006 and joined duty on 28.08.2006 and discharging his duties since then. In the provisional seniority list published, he has been included as sl no. 1 in the Adhoc List. As per the criteria 4 for fixing seniority, 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 such he is eligible to get seniority with effect from 10.08.2006. After joining duty as Range Forest Officer, he has not been de-promoted or no disciplinary action has been initiated against him. His probation in the cadre of Range Forest Officer has been declared as per order dated E1-21093/2008. His request is to assign seniority with effect from the date of promotion order.

ii. The Hon'ble Supreme Court of India in the judgment in Civil Appeal No.865-867/05 mentioned that the appointment of Range Forest Officers under FTR quota, who are now placed as serial no. 40 to 47 was irregular. The assignment of seniority to them with effect from 14.01.2005 is not as per Rules.

56. i. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. Any order issued in violation or contravention of a statutory rule has no legal force. The correct course of action is to revise the said order in accordance with the rule. It has been well settled in law that no consequential benefit can flow out of an illegal order. It is also further established in law that a bad precedent is not a precedent. Action shall be initiated to revise the irregular order issued in connection with the declaration of probation of Sri. C.K. Johnson.

ii. The reasons that lead to the assignment of seniority to the respondents in CA No.865-867/2005 except Sri. Jose Mathew viz S/Sri. K.M.Vijayakumaran Nair, Anil.B., Ajith.N., Santhoshkumar.V, Kochukoshi, Anilkumar.V.G., Anandakumar N.C. and Koshy John in obedience of the judgment of the Hon'ble Supreme Court of India are well explained in para 9 to 21 of this order.

In view of the above facts, the request of Sri. C.K.Johnson cannot be granted and hence rejected.

57. Main contentions raised by Sri. M. Asokan

i. He was promoted as Forest Ranger vide order No.E1-500/2006 dated 10.08.2006 and joined duty on 11.09.2006 and discharging his duties since then. In the provisional seniority list published, he has been included as sl no. 2 in the Adhoc List. As per the criteria 4 for fixing seniority, 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 such he is eligible to get seniority with effect from 11.09.2006. After joining duty as Range

Forest Officer, he has not been de-promoted or no disciplinary action has been initiated against him. His request is to assign seniority with effect from the date of promotion order.

ii. The Hon'ble Supreme Court of India in the judgment in Civil Appeal No.865-867/05 mentioned that the appointment of Range Forest Officers under FTR quota, who are now placed as serial no. 40 to 47 was irregular. The assignment of seniority to them with effect from 14.01.2005 is not as per Rules.

58.i. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them.

ii. The reasons that lead to the assignment of seniority to the respondents in CA No.865-867/2005 except Sri. Jose Mathew viz S/Sri. K.M.Vijayakumaran Nair, Anil.B., Ajith.N., Santhoshkumar.V, Kochukoshy.K, Anilkumar.V.G., Anandakumar N.C. and Koshy John in obedience of the judgment of the Hon'ble Supreme Court of India are well explained in para 9 to 21 of this order.

In view of the above facts, the request of Sri. M.Asokan cannot be granted and hence rejected.

59. Main contentions raised by Sri. J. Satheesan

He was promoted as Forest Ranger vide order No.E1-100/06 dated 15.07.2006 of the Chief Conservator of Forests (Administration) and joined duty on 07.08.2006 and discharging his duties since then. In the seniority published, his seniority has been at 148 which has been reckoned from 01.01.2010 onwards. To cite an example for the irregularity in the above said seniority list, he submitted that the Sl No. 100 in the seniority list was posted as Forest Range Officer from 25.10.2007 only and he has been assigned seniority as Sl.100. The person who is one and half and year junior to him is placed 48 numbers senior than him. There are several similar irregularities that can be seen in the seniority list, which need rectification otherwise his seniority will be adversely affected.

60. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them.

In view of the above facts, the request of Sri. J. Satheesan cannot be granted and hence rejected.

61. Main contentions raised by Sri. Raju Michel

He was promoted as Forest Ranger vide order No.E1-100/05 dated 21.07.2005 of the Chief Conservator of Forests (Administration) and joined duty on 02.08.2005 and discharging his duties since then. In the seniority published, his seniority has been at 112 which has been reckoned from 21.06.2008 onwards. To cite an example for the irregularity in the above said seniority list, he submitted that the Sl No. in the above seniority list was posted as Forest Range Officer from 05.10.2007 only and he has been assigned seniority as Sl.78. Two years junior person to him is now 34 numbers senior than him. There are several similar irregularities can be seen in the seniority list, which need rectification or else his seniority will be adversely affected.

62. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them.

In view of the above facts, the request of Sri. Raju Michel cannot be granted and hence rejected.

63. Main contentions raised by Sri. P.G. Chandran Pillai

i. He was promoted as Forest Ranger with effect from 15.07.2006. He has joined duty in the cadre of Range Forest Officer on. 26.07.2006. In the provisional seniority list published, he has been assigned seniority as no. 123 with effect from 01.04.2009. As per the criteria 4 for fixing seniority, 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 such he is eligible to get seniority with effect from 15.07.2006. After joining duty as Range Forest Officer, he has not been de-promoted or no disciplinary action has been initiated against him. His probation in the cadre of Range Forest Officer has been declared with effect from 26.07.2007. His request is to assign seniority with effect from 15.07.2006.

ii. The Hon'ble Supreme Court of India in the judgment in Civil Appeal No.865-867/05 mentioned that the appointment of Range Forest Officers under FTR quota, who are now placed as serial no. 40 to 47 was irregular. Assignment of seniority to them with effect from 14.01.2005 is not as per Rules.

64.i. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. Any order issued in violation or contravention of a statutory rule has no legal force. The correct course of action is to revise the said

order in accordance with the rule. It has been well settled in law that no consequential benefit can flow out of an illegal order. It is also further established in law that a bad precedent is not a precedent. Action shall be initiated to revise the irregular order issued in connection with the declaration of probation of Sri. P.G. Chandran Pillai.

ii. The reasons that lead to the assignment of seniority to the respondents in CA No.865-867/2005 except Sri. Jose Mathew viz S/Sri. K.M.Vijayakumaran Nair, Anil.B., Ajith.N., Santhoshkumar.V, Kochukoshi, Anilkumar.V.G., Anandakumar N.C. and Koshy John in obedience of the judgment of the Hon'ble Supreme Court of India are well explained in para 9 to 21 of this order.

In view of the above facts, the request of Sri. P.G. Chandran Pillai cannot be granted and hence rejected.

65. Main contentions raised by Sri. K. Premarajan

i. He was promoted as Forest Ranger with effect from 15.07.2006. In the provisional seniority list published, he has been assigned seniority as no. 146 with effect from 22.07.2009. As per the criteria 4 for fixing seniority, 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 such he is eligible to get seniority with effect from 11.09.2006. After joining duty as Range Forest Officer, he has not been de-promoted or no disciplinary action has been initiated against him. His request is to assign seniority with effect from 15.07.2006.

ii. The Hon'ble Supreme Court of India in the judgment in Civil Appeal No.865-867/05 mentioned that the appointment of Range Forest Officers under FTR quota, who are now placed as serial no. 40 to 47 was irregular. Subsequently, as per the request of the Kerala Forest Department, the Kerala Public Service Commission vide letter No.RIC(1) 39539/2000/GW dated 17.09.2008 cancelled the advice of the said Range Forest Officers. Assignment of seniority to them with effect from 14.01.2005 is not as per Rules.

66. i. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them.

ii. The reasons that lead to the assignment of seniority to the respondents in CA No.865-867/2005 except Sri. Jose Mathew viz S/Sri. K.M.Vijayakumaran Nair, Anil.B., Ajith.N., Santhoshkumar.V, Kochukoshiy.K, Anilkumar.V.G., Anandakumar N.C. and Koshy John in obedience of the judgment of the Hon'ble Supreme Court of India are well explained in para 9 to 21 of this order.

In view of the above facts, the request of Sri. K.Premarajan cannot be granted and hence rejected.

67. Main contentions raised by Sri. K. Suku

On examination of the provisional of Seniority list of Range Forest Officers as on 01.01.2011 he has been assigned seniority as no. 150. But he has been promoted as Range Forest Officer under the FNTR quota as per order no. E1-500/2006 dated 15.07.2006 and taken charge on 07.08.2006 continuing in the said post. Since he has passed all the obligatory departmental test qualifications his probation in the cadre Range Forest Officer has been declared with effect from 07.08.2007 as per order no. E1-29906/07 dated 08.09.2009. He is continuing in the post of Range Forest Officer with effect from 07.08.2006. Since his probation in the cadre of Range Forest Officer has been declared and he has not been reverted from the post of Range Forest Officer, he has requested to assign him seniority with effect from the date of promotion ie. 15.07.2006.

68. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. Any order issued in violation or contravention of a statutory rule has no legal force. The correct course of action is to revise the said order in accordance with the rule. It has been well settled in law that no consequential benefit can flow out of an illegal order. It is also further established in law that a bad precedent is not a precedent. Action shall be initiated to revise the irregular order issued in connection with the declaration of probation of Sri. K.Suku. Therefore the applicant can not legally rely on such an irregular order to claim the seniority, which is not envisaged in the law.

In view of the above facts, the request of Sri. K.Suku cannot be granted and hence rejected.

69. Main contentions raised by Sri. A.K. Gopalan

He was promoted as Forest Ranger with effect from 01.01.2004. In the provisional seniority list published as per order dated 28.03.2011, he has been assigned seniority as sl.no. 69 with effect from 01.04.2007. As per the criteria 4 for fixing seniority, 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 said list, the appointment date of Sri. Ajith K. Raman having sl. no.32 is 05.06.2003 and that of Sri. Jose K.Mathew whose sl.no.33 is appointed on 14.01.2005. He has got appointment as Range Forest Officer as per order dated 01.01.2004. As per that order he has joined duty on 05.01.2004. After joining duty as Range Forest Officer, he has not been de-promoted or no disciplinary action has been initiated against him. He has requested to assign seniority between Sri. Ajith K. Raman (Sl.No. 32) and Sri. Jose Mathew (Sl No.33).

70. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted

provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them.

In view of the above facts, the request of Sri. A.K.Gopalan cannot be granted and hence rejected.

71. Main contentions raised by Sri.P.M. Venugopalan

In the provisional seniority list of Range Forest Officer as on 01-01-2011 he is assigned with Sl. No. 67 noting his re-assigned seniority with effect from 18-10-2003 in the cadre of Forest Range Officer, and noting the critical date for determining seniority with effect from 01-4-2007.

The seniority position assigned to him in the seniority list and the date for determining his seniority as on 01-4-2007 is incorrect and needs correction. He has been appointed by promotion while holding the post of Deputy Ranger as Forest Ranger by order No. E1-2700/2004 dated 21-7-2004. He was promoted as Forest Ranger by proceedings dated 21-7-2004 treating him as Sl. No. 130 in the cadre of Deputy Ranger. In fact he was not assigned with proper seniority in the cadre of Forester so also in the cadre of Deputy Ranger and that resulted in preferring representation before the Chief Conservator of Forests and it is that mistake which has been corrected by proceedings dated 16-8-2006, his date of promotion to the cadre of Forest Range Officer was also changed from 21-7-2004 to 18-10-2003 in that order.

No senior trained Foresters/Deputy Rangers have been superseded while promoting him to the post neither of Ranger nor for that matter there is any order replacing him from the post of Ranger on getting any persons qualified to be appointed to the post. He has uninterrupted continued service as Ranger and that in terms of the order. He is entitled to reckon his seniority with effect from 18-10-2003, as he is assigned date of promotion.

His probation in the cadre of Range Forest Officer has already been declared as well. Though declaration of probation and seniority has nothing in common only to say that he was never reverted from the post and continuing in service as such.

Persons who have not completed their probation have been recruited to the FTR quota by the Kerala Public Service Commission, which resulted in litigation before the Hon'ble High Court and that the Hon'ble High Court has held that inclusion of persons in the list published by the Commission is unsustainable. Ultimately the issue was settled by the Hon'ble Supreme Court and the Apex Court held that inclusion of persons who have not completed their probation in the list is bad. Subsequently to protect the interest of such persons orders were issued since they have already undergone Ranger's training and without affecting any other recruitment. It is seen that such persons who have completed Ranger's training in the Forest Ranger's College and promoted much later is now assigned seniority above him, which is absolutely incorrect.

The Hon'ble Supreme Court of India in the judgment in Civil Appeal No.865-867/05 mentioned that the appointment of Range Forest Officers under FTR quota, who are now placed as serial no. 40 to 47 was irregular. Subsequently, as per the request of the Kerala Forest Department, the Kerala Public Service Commission vide letter No.RIC(1) 39539/2000/GW dated 17.09.2008 cancelled the advice of the said Range Forest Officers. Assignment of seniority to them with effect from 14.01.2005 is not as per Rules.

The date of promotion is reckoned for the purpose of assigning seniority. He is entitled to be included in between Rank Nos. 32 and 33 i.e. in between Sri. Ajith.K.Raman and Sri. Jose Mathew. It is evident that Sri. Ajith.K.Raman was advised by the Commission on 05-6-2003 and he was assigned with correct date as well. In the case of Sri. Jose Mathew, FTR, who was posted on 14-01-2005 and the date assigned to him is also 14-01-2005. Sri.P.M. Venugopalan contented that Sri. Jose Mathew is junior to him as he was appointed on 18-10-2003.

As per the law the seniority in a cadre should be reckoned with reference to his first date of appointment and it can be altered only in the case of reversion to a lower post and that persons who have been appointed based on the orders of the Hon'ble Supreme Court in the FTR quota cannot have any claim over the promotees in accordance with law and that since he was assigned with the date of promotion as 18-10-2003 there is no reasonable justification to alter that date.

72. i. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) 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. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. Sri. P.M. Venugopalan was provisionally promoted as per Rule 31 (a) (i) of KS& SSR 1958 to the cadre of Range Forest Officer on 21.07.2004. Later, Sri. Venugopalan has been re- assigned seniority in the category of Range Forest Officer with effect from 18.10.2003 as per order no. E1-12561/06 dated 16.08.2006 of the Chief Conservator of Forests (Administration). He is eligible for regular promotion in his respective quota only on 01.04.2007 and accordingly he has been assigned seniority from that date. Sri Ajith.K.Raman and Sri. Jose Mathew were appointed as Range Forest Officers under DR and FTR quota respectively and as such they are assigned seniority as per the date of advice of the Kerala Public Service Commission and date of appointment order respectively.

ii. The reasons that lead to the assignment of seniority to the respondents in CA No.865-867/2005 except Sri. Jose Mathew viz S/Sri. K.M.Vijayakumaran Nair, Anil.B., Ajith.N., Santhoshkumar.V, Kochukoshy.K, Anilkumar.V.G., Anandakumar N.C. and Koshy John in obedience of the judgment of the Hon'ble Supreme Court of India are well explained in para 9 to 21 of this order.

In view of the above facts, the requests of Sri. P.M. Venugopalan cannot be granted and hence rejected.

73. Main contentions raised by Sri. K. Radhakrishna Lal

i. He has been assigned seniority as Sl. No.104 with effect from 01.12.2007. But he had been promoted as Range Forest Officer on 30.06.2004 and hence should be assigned seniority between Sl.No.32 Sri. Ajith K.Raman and Sl.No. 33 Sri. Jose Mathew.

ii. It is observed by the Hon'ble High Court in the order in Civil Appeal No.865-867 /2005 that the appointment of Range Forest Officers under FTR Quota having seniority nos. from Sl.No.40 to 47 are irregular. The Kerala Public Service Commission vide order No. RIC (I) 39539/2000/GW dated 17.09.2008 had been cancelled the advise of the above said Range Forest Officers as per the request of the Department. As such the assignment of seniority to them is not as per rules.

iii. The Hon'ble Supreme Court of India in Civil Appeal Nos. 9906/2003, 9907/2003/9908/2003 ordered as " A direct recruit cannot claim from a seniority from a date before his birth in the service or when he was in school or college. Similarly it was pointed out A.N.Pathak Vs. Secretary to the Government that slots cannot be kept reserved for the direct recruits for retrospective appointments.

In view of the above reasons, he has requested to assign him eligible seniority to him.

74. i. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. Sri. K. Radhakrishna Lal was provisionally promoted during 6/2004 under FNTR quota. He is eligible for regular promotion in the quota earmarked to FNTRs with effect 1.12.2007 and as such he has been assigned seniority with effect that date as sl. No.103.

ii. The reasons that lead to the assignment of seniority to the respondents in CA No.865-867/2005 except Sri. Jose Mathew viz S/Sri. K.M.Vijayakumaran Nair, Anil.B., Ajith.N., Santhoshkumar.V, Kochukoshy.K, Anilkumar.V.G., Anandakumar N.C. and Koshy John in obedience of the judgment of the Hon'ble Supreme Court of India are well explained in para 9 to 21 of this order.

iii. The Provisional Seniority list published as per the order dated 28.03.2011 is the seniority list of Range Forest officers appointed as per rules in the Kerala Forest Subordinate Service Rules,1962. As such their seniority can only be assigned as per the said rules. The rulings of the Hon'ble Supreme Court in Civil Appeal Nos. 9906/2003, 9907/2003,9908/2003 are applicable in the instant case.

In view of the above facts, the request of Sri. Sri. Radhakrishna Lal cannot be granted and hence rejected.

75. Main contention raised by Sri.C.S. Prabhudasan

i. In GO (P) No. 73/2010/F&WLD dated 21.10.2010, Government have notified the Forest Service Special Rules. Based on these rules, the sanctioned posts of Range Forest Officers in the Department have been appointed among various categories. However, this order is not seen mentioned in the order publishing provisional seniority list. An order takes effect from the date of issue of the order unless otherwise stated.

ii. He has been promoted as Range Forest Officer with effect from 15.07.2006. But in the provisional seniority list, his serial no. is 119. But persons who were undergoing training as Range Officers at a time when he was hold the post of Range Officer are given seniority above him in the list. The seniority list is prepared on the basis of GO (P) No. 73/2010/F&WLD dated 21.10.2010 and as such, persons who were holding the post of Range Officer should be given seniority against those were not qualified to hold the post in view of the fact that they were undergoing training. Seniority should not go against the seniors who were in position on the date of issue of Special Rules and he may be assigned seniority with effect from the date on which he was given promotion as Range Forest Officer ie 15.07.2006.

76. i. The Provisional Seniority list published as per the order dated 28.03.2011 is the seniority list of Range Forest officers appointed as per rules in the Kerala Forest Subordinate Service Rules, 1962. As such their seniority can be assigned as per the said rules only.

ii. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. Sri. C.S. Prabhudasan was provisionally promoted during 11.12.2008 under FNTR quota. Later retrospective affect of promotion has been given to him with effect from 15.07.2006. He is eligible for regular promotion in the quota earmarked to FNTRs with effect 1.12.2008 and as such he has been assigned seniority with effect that date.

In view of the above facts, the request of Sri. C.S. Prabhudasan cannot be granted and hence rejected.

77. Main contentions raised Sri. K.P.Shaji

He has been assigned seniority as 122. He has been promoted as Range Forest Officer as per order no. E1- 100/06 dated 15.07.2006. The assigning of seniority to the Range Forest Officers promoted under FTR quota as 120 and 121 between the Range Forest Officers who were promoted as per order dated 15.07.2006 is not in order. In respect of the Range Forest Officers under Sl.No.118 and 119 promoted as per order dated 15.07.2006, seniority has been assigned with effect from 01.12.008

and 27.12.2008 respectively. But though he has been promoted in the same order he has been assigned seniority with effect from 01.01.2009 only. The Range Forest Officers appointed under FA and FTR quota during 2007 are junior to him. They have been assigned seniority above him without observing rules of seniority.

78. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. Sri. K.P.Shaji was provisionally promoted during 15.07.2006 under FNTR quota. He is eligible for regular promotion in the quota earmarked to FNTRs with effect 01.01.2009 only and as such he has been assigned seniority with effect that date. The Range Officers appointed under FA and FTR quota during 2007 are eligible for seniority from their date of appointment itself in their respective quota and they have assigned seniority accordingly.

In view of the above facts, the request of Sri. K.P.Shaji cannot be granted and hence rejected.

79. Main contentions raised Sri. P.K. Pradeep

He has been appointed as Forester with effect from 26.08.1987 and then promoted to the category Deputy Ranger and Range Forest Officer. Sri. Vincent M. Arackal and Sri. Hydresskutty who were senior and junior to him respectively in the cadre of Forester were promoted as Range Forest Officers as per order No. 14879/03 dated 29.12.2003 of the Chief Conservator of Forests (Administration). As such he is eligible for getting seniority above Sri. Hydresskutty. It is mentioned in the order dated 17.04.2009 promoting him as Range Forest Officer that orders regarding seniority will be issued later. He has been now assigned seniority in Anneure II list as Sl.no.23. He may be assigned seniority above Sri. Hydresskutty, who is junior to him.

80. It is mentioned in the order dated 17.04.2009 promoting Sri. P.K. Pradeep as Range Forest Officer that his seniority in the cadre of Deputy Ranger and Ranger shall be finalized after giving an opportunity to hear the affected parties. This case can be considered only after assigning seniority in the cadre of Deputy Ranger and his seniority in the cadre of Range Forest Officer shall be fixed after that and orders issued accordingly.

81. Main contentions raised by Sri. S.S. Jayanthakumar

He was promoted as Range Forest Officer on 18.10.2003. His seniority was assigned as sl. no. 192 in the seniority list of Rangers as on 01.01.2006. Now in the list issued, his seniority is 68. Some officers promoted and appointed after him are placed over him. That will badly affect his promotion scope and requested to rectify the errors, if any, occurred in this regard.

82. The seniority of Rangers who are appointed by promotion from the feeder category of Deputy Rangers (FNTR Quota) shall be determined with respect to the date of order appointing them as Rangers. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. The date of regular promotion will be the critical date for assigning seniority to them. Sri. S.S. Jayanthakumar was provisionally promoted during 10/2003 under FNTR quota. He is eligible for regular promotion in the quota earmarked to FNTRs with effect 1.04.2007 and as such he has been assigned seniority with effect that date as sl. No.70.

In view of the above facts, the request of Sri. S.S. Jayanthakumar cannot be granted and hence rejected.

83. Main contentions raised Sri. Shaji K.Varkey

He was promoted as Range Forest Officer only on 08.08.2006. He should have promoted on 15.07.2006 along with Sri. Chandran Pillai . The seniority of him is 152. His seniority may be re-fixed after Sri. Chandran Pillai who was promoted on 15.07.2006 and having seniority no. 122.

84. Sri. K. Shaji K. Varkey was provisionally promoted on 08.08.2006 under FNTR quota. It is stated in the order No. E1- 100/2006 dated 08.08.2006 promoting him that he will be assigned seniority in the cadre of Forest Ranger in between Sri. P.G. Chandran Pillai and Sri. K. Premarajan. In respect of the Range Forest Officers promoted provisionally under this quota, the promotion 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. He is eligible for regular promotion in the quota earmarked to FNTRs with effect 22.07.2009 and as such he has been assigned seniority with effect that date in between Sri. Sanjayan M.P and Sri. G.Jayachandran as Sl.No. 145 in the Appended Annexure I list.

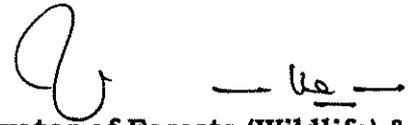
85. The Principal Chief Conservator of Forests & Head of Forest Force vide his order No. E1-6549/08 dated 20.07.2011 rectified some of the anomalies and errors crept into the seniority list of Range Forest Officers as on 01.01.1992 after examining the same on the background of various court orders , requests received from effected parties and Government order. The said seniority list is finalized and after examining all the objections and representations received from the officers and published as per order no. E1-6549/08 dated 30.11.2011 of the Principal Chief Conservator of Forests. Based on the revision and finalization of seniority of the Range Forest Officers as on 01.01.1992 as per the order mentioned above, the seniority of Sri. Baby Sajan Range Forest Officer is assigned as Sl. No. I in the Annexure I list appended to this order.

86. Sri. C. Reghunathan, Range Forest Officer, who has been assigned seniority as no.1 in the provisional seniority list as on 01.01.2011 has been awarded compulsory retirement as per order no. B5-21779/2009 dated 27.10.2010 of the Chief Conservator of Forests (Administration). As such his name is excluded from the Annexure I list appended to this order.

87. The provisional seniority list as on 01.01.2011 is finalized in continuation to the final seniority list of Range Forest Officers as on 01.01.1992 and provisional seniority list as on 01.01.2006 and all the incumbents who are now in position in the said lists have been included in the list as on 01.01.11. Objections, if any regarding the provisional list dated 01.01.2011 were called for and all the objections received so far have been considered. Necessary corrections/modifications were made in the seniority list wherever found necessary, based on the contentions raised in the objections. Since all the objections received regarding the seniority list have been considered and disposed, it is not found necessary at this point to finalize the provisional seniority list as on 01.01.2006. Moreover , the Department has been making regular promotions of Range Forest Officers based on the provisional seniority list as on 01.01.2006 and there are no legal compulsions or court directions to finalize the seniority list as on 01.01.2006 at this distant stage as advised by the Special Wing of the Law Department.

88. The Provisional Seniority list of Range Forest Officers as on 01.01.2011 published vide proceedings order dated 28.03.2011 is finalized accordingly and appended as Annexure I.

89. The Deputy Rangers who are promoted and appointed in excess of the permissible quota fixed for FNTRs are only adhoc appointees and their names are appended as Annexure II. The promotion of these officers will be regularized as and when vacancies earmarked for them will occur in the quota of 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 regularization of their adhoc appointment.



**Principal Chief Conservator of Forests (Wildlife) &
Chief Wildlife Warden, Kerala**

Abbreviations used

DR- Direct Recruitment

FA - Forest Apprentice

FTR- Forester Trained as Ranger

FNTR- Forester Not Trained as Ranger

KPSC- Kerala Public Service Commission

PSC- Public Service Commission

To

The Incumbents (Through Head of Offices)

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