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11/12/20



GOVERNMENT OF KERALA

Abstract

All India Service (Discipline & Appeal) Rules 1969 – Disciplinary action against Shri. S.Unnikrishnan IFS (KL:2011), former Divisional Forest Officer, Kothamangalam – Dropped – Orders issued.

GENERAL ADMINISTRATION (AIS-C) DEPARTMENT

G.O.(Rt)No.3584/2020/GAD. Dated, Thiruvananthapuram, 20/11/2020

Read 1 Proceedings Order No.B7-14844/04 dated 07.11.2012 of Additional Principal Chief Conservator of Forests (D&P).

2 G.O.(Rt.) No.175/2017/F&WLD dated 05.05.2017 .

3 Articles of Charges and Statement of Imputations as per Government Letter No. 135/AIS-C1/2018/GAD dated 02.08.2019.

4 Letter No. E1-7885/17 dated 16.09.2019 from Shri. S.Unnikrishnan IFS.

5 Letter No. IFS-1-19594/18 dated 31.12.2019 from the Principal Chief Conservator of Forests & Head of Forest Force.

ORDER

In connection with the illicit cutting and removing of various trees from the Vested Forest in Puzhaikkidam Forest Section of Alathur Forest Range, an amount of Rs.53,225/- was quantified as government loss. Even though the investigation was completed on 1999, the case was neither charged before the Hon'ble Court nor taken any further action to take the logs seized as thondy amounting to Rs.42,500/- into stock and auction the same to realize the value to the exchequer. Thus total Government loss became Rs.95,725/-. No further action was taken to dispose the thondy loss amounting to Rs.42,500/- by auction before it became perished and useless. Even though disciplinary action was initiated against Shri.S.Unnikrishnan, then Range Officer, Alathur Range, Shri. K.A.Abdul Rehman, Shri.K.R. Shelly, Shri.T. Mohandas and the clerks namely Shri.A.S. Sabu, Shri. C. Arunkumar, Shri. E.V.Shoukath Ali, Shri. S.Santhosh Kumar and Smt. B. Syamala Das as per KCS (CC&A) Rules, 1960, the disciplinary authority, as per order read as 1st paper above, decided to recover the Government loss from two of them. They filed review petitions

in Government and Government as per Order read as 2nd paper above, quashed the order read as 1st paper above and ordered to re-open the disciplinary action and to finalize the same after following all procedures of KCS (CC&A) Rules, 1960 ensuring natural justice to all the delinquents.

2) Later Shri. S. Unnikrishnan was selected to IFS from the promotion quota for the year 2014. On the basis of the Order read as 2nd paper above, Government have initiated disciplinary action against him and Articles of Charges and Statement of Imputations were served to him, under Rule 8 of All India Services (Discipline & Appeal) Rules, 1969 as per 3rd paper read above. The charges against Shri. S. Unnikrishnan IFS were that he has not taken any steps to file charge sheet in the case before the Hon'ble Court in time and caused a loss of Rs.53,225/- to Government due to the lapse and he carelessly and irresponsibly handled the serious offence which could have been successfully prosecuted.

3) The delinquent officer in his Written Statement of Defence as per letter read as 4th paper above, denied all the charges. He stated that his predecessor Shri. K.A. Abdul Rahman had not submitted the necessary report in Form-B to the Divisional Forest Officer in time. When he took the charge of Alathur Range after 3 years and 18 days after the occurrence of the offense, he was instructed to conduct further investigation it took more time. He also submitted that he was exonerated from all the charges in this issue as per order No. B7/14844/04 dated 23.12.2005 of Chief Conservator of Forests(Administration). In the proceedings order dated 07.11.2012 and in the Government order dated 05.05.2017 read as 1st and 2nd cited above, neither arrayed him as a delinquent officer nor quashed the order dated 23.12.2005 of Chief Conservator of Forests (Administration). He also contended that he was inducted to All India Service after getting integrity certificate and had neither committed any dereliction of duty nor violated the provisions under All India Service Conduct Rules, 1968 and hence requested to withdraw charges levelled against him and to absolve him from the charges.

4) On the Written Statement of Defense, the Principal Chief Conservator of Forests & Head of Forest Force as per his letter read as 5th paper above remarked, that the OR 19/1997 of Alathur Range was registered on 08.05.1997 and Shri.S.Unnikrishnan had taken charge as Range Officer, Alathur on 26.05.2000. The Form B (Form II) was not submitted by his predecessor,

Shri.K.A.Abdul Rehman in time to the Divisional Forest Officer for prosecution sanction. When Form B submitted by Shri.K.A.Abdul Rehman to the Divisional Forest Officer, Nenmara, the latter returned the same with direction to submit it after conducting further investigation. Shri.S.Unnikrishnan had conducted further investigation and submitted Form B (Form II) to the Divisional Forest Officer, Nenmara. Considering this fact, Shri.S.Unnikrishnan had been exonerated from all charges levelled against him earlier as per the Proceedings order No. B7/14844/04 dated 23.12.2005 of Chief Conservator of Forests (Administration). Government have not cancelled that order. But as per Government Order cited 2nd above cancelled the order of Additional Principal Chief Conservator of Forests (D&P) and in that order the name of Shri.S.Unnikrishnan was not mentioned. The Thondy material in OR 19/97 was softwood, which would perish within a maximum period of 2 months after felling. Hence he remarked that the argument of delinquent Officer that it was the responsibility of his predecessors to have disposed off the thondy materials within the said period is acceptable. As he had taken charge of the Alathur Range after 3 years and 18 days after the occurrence of the OR 19/97, the responsibility of non-disposal of thondy cannot be fixed on him. Further the Principal Chief Conservator of Forests & Head of Forest Force also informed that there is no time bar for charging the forest offenses to the court consequent to the amendment of Kerala Forest Act in 1993 and as such his argument having merit. In these circumstances, the Principal Chief Conservator of Forests & Head of Forest Force has suggested that the request of Shri.S.Unnikrishnan, IFS to exonerate him from all the charges levelled against him may be considered favourably. In the meantime, Shri.Unnikrishnan IFS has retired from service on superannuation on 31.05.2020.

5) Government have examined the matter in detail. Considering the contentions of the the Officer in his Statement of Defence and the remarks of the Principal Chief Conservator of Forests & Head of Forest Force, Government are pleased to drop the disciplinary action initiated against Shri. S. Unnikrishnan IFS (KL:2010) (Retired) in connection with the delay occurred in the submission of charge sheet in OR 19/97 before the Court and sustained Government loss due to the lapse and the Officer is exonerated from the charges levelled against him.

(By order of the Governor)
RAJESH KUMAR SINHA
PRINCIPAL SECRETARY

To:

Shri. S. Unnikrishnan IFS(Retd.), Maradathu Lakshmi Nivas, Kunnakkal.P.O , Muvattupuzha, Ernakulam- 682316.

The Accountant General (A&E), Kerala, Thiruvananthapuram.

The Accountant General (G&SSA), Kerala, Thiruvananthapuram.

The Principal Chief Conservator of Forest & Head of Forest Force, Forest Headquarters, Thiruvananthapuram.

The Secretary, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, 6th Floor, Prithvi Block, Jor Bagh Road, Ali Ganj, New Delhi – 110 003.

The General Administration (SC) Department.

The Forest & Wildlife (A) Department (as per U.O note FWLDA2-42/2018 dated 14.06.2018.)

Web & New Media Division of I& PRD.

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Copy to:-

The Secretary to Chief Minister.

The Private Secretary to Chief Minister.

The Private Secretary to Minister (Forests, Animal Husbandry & Zoo).

The Special Secretary to Chief Secretary.

The PA to Principal Secretary (Forests & Wild life) Department.

The CA to Joint Secretary, General Administration AIS(A & C)Dept.

Forwarded /By order



Section Officer

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