GOVERNMENT OF KERALA

Abstract


GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT

G.O.(Rt.)No. 1623/2018/GAD Dated, Thiruvananthapuram, 15.03.2018

Read:- 1) Letter No.VE-14004/16 dated 06.10.2016 from the Principal Chief Conservator of Forests (Vigilance), Thiruvananthapuram.
4) Letter No. RDD/SR/WCCB-PER/1/2017 dated 03.10.2017 from Smt.T. Uma IFS.

ORDER

Based on an anonymous petition received by Principal Chief Conservator of Forests (Vigilance) alleging malpractices in issuing license to Saw Mill owned by Shri.Sreekantan Nair in Thiruvananthapuram Division, an enquiry was conducted by the Divisional Forest Officer, Flying Squad, Thiruvananthapuram. The enquiry officer submitted his report on 30.03.2016 before the Head of Forest Force. As per the report, Shri.Sreekantan Nair had submitted an application to Additional Principal Chief Conservator of Forests (Special Afforestation & Nodal Officer) in 2009 for getting NOC for his wood based industrial unit. The application was examined in detail by Assistant Conservator of Forests (Vigilance) and as per his report, M/s Lekshmi Wood Industries, Kattayikkonam, Thiruvananthapuram was not functioning prior to 30.10.2002, the cut off date fixed for the submission of application. The party was given one more chance to produce proof of working before the cut off date. The documents produced were examined again and the Assistant Conservator of Forests recorded that the application need be considered only when supporting documents were produced. While these papers were available in the Division Office, Thiruvananthapuram, license was issued to Sri.Sreekantan Nair, Proprietor M/s Lakshmi Wood Industries, Thiruvananthapuram on 23.10.2013 without conducting proper enquiry by Smt.T.Uma IFS, then Divisional Forest Officer, Thiruvananthapuram. After getting license, Shri.Sreekantan Nair applied for transferring the ownership of the unit on
02.07.2015 to Shri.Thulaseedharan. The Divisional Forest Officer, Thiruvananthapuram had issued license again to the same unit (renamed as Sathyan Timbers), the ownership of which had been sold out to Shri. S.Thulaseedharan, S/o Shri. Sreedharan, Vandana, Mottamoola, Vettinad, Vattappara by Shri. Sreekantan Nair without the written permission of the Authorized Officer.

2. On 08.04.2016, Smt. T.Uma IFS, then Divisional Forest Officer, Thiruvananthapuram cancelled both the licenses issued to Shri.Sreekantan Nair and Sri.Thulaseedharan citing that the firm had failed to produce any valid documents to prove that the unit was functioning prior to 30.10.2002. It is clear from the above that the licenses were issued without proper enquiry and verifying documents. The Head of Forest Force vide letter read as 2nd above has informed that disciplinary action was already initiated against the officers involved in this issue and recommended to initiate disciplinary action against Smt.T.Uma IFS, formerly Divisional Forest Officer, Thiruvananthapuram.

3. Government, after detailed examination of the case, decided to initiate disciplinary proceedings against the officer and accordingly Articles of Charges and Statement of Imputations were issued to her as per letter read as 3rd paper above. The charges against the Officer were as follows:-

1. She had issued license to M/s Lekshmi Wood Industries, Chanthavilla, Kattayikkonam, Thiruvananthapuram owned by Shri. Sreekantan Nair from 23.10.2013 to 22.10.2016 with license No. 311/13-14 without conducting proper enquiry and verifying the back files transferred from CCF(SA) & Nodal Officer available in the Division Office and by which the application was ineligible.

2. She had issued license No.18/2015-16 again to the same unit (renamed as Sathyan Timbers) the ownership of which has been sold out to Shri.S.Thulaseedharan, S/o of Shri. Sreedharan, Vandana, Mottamoola, Vettinad, Vattappara by Shri. Sreekantan Nair without the written permission of Authorised Officer under Rule 15 of Kerala Forest (Regulation of Saw Mills and Other wood based industrial units) Rules, 2012.

4. In the Written Statement of Defence, read as 4th paper above, she denied all the charges levelled against her. According to Smt.T.Uma IFS, she had taken the decision to issue NOC to the Saw Mills based on the limited details made available to her by the subordinate staff of Divisional Forest Office, Thiruvananthapuram and on the basis of specific recommendation of Range Officer. She took corrective action by revising her decision, suo motu, when she came to know that the decision initially taken was inappropriate. Hence she has denied the charge that there is supervisory lapse. Remarks of Head of Forest Force was called for on her Written Statement of Defence. With regard to the contentions on the first charge, in the Written Statement of Defence submitted by Smt. T.Uma IFS, the Head of Forest Force as per letter read as 5th paper above informed that the said license was issued to M/s Lekshmi Wood Industries based
on a note prepared by office staff who recommended for issuing the license and not based on the recommendation of Range Officer, Palode. In respect of the second charge he has reported that as per section 15 of the Saw Mill Rules, no person shall transfer the ownership of the Saw Mill without the written permission of the authorized Officer. Here the sale was effected without the permission of Smt.T. Uma IFS. The fact was not brought to the notice of her by the Range Officer, Palode.

5. The Head of Forest Force has further submitted that though there was a lapse on her part in issuing both the licenses, she has been misled by the office staff in the first charge and by insufficient information furnished by the Range Officer in the second charge. Smt. T.Uma cancelled both the licenses subsequently when information from the connected files and Divisional Forest Officer, Flying Squad Division, Thiruvananthapuram during his vigilance enquiry was made available. It is further observed that the new Saw Mill Rules came into effect from 19.04.2012 and Smt. T.Uma IFS joined her first independent charge in June 2013 and there was an interim judgment of Hon’ble High Court in this case on which she sought advice from Conservator of Forests (Southern Circle), Kollam. Hence Head of Forest Force has recommended that the lapse on the part of Smt. T.Uma IFS for issuing the license may be viewed lightly.

6. Smt.T.Uma IFS, being a Senior Officer cannot justifiably take cover under the excuse she was misled by the office staff into giving registration in a case where it was not warranted, ignoring reports of the Field Officer in the matter; plainly, she must have gone by notings in the file without bothering to see the field report. While the office staff are clearly liable to be proceeded against, she cannot wish away her responsibility. She should have asked for the report of the subordinate field officer. She again gave re-registration to the same unit after its sale, even though it was not allowable. This time her plea is that the subordinate reporting officer did not disclose all relevant facts. It was the bounden duty of the officer to ask all facts relevant to the matter. The only saving grace is that she cancelled both registrations on her own when the mistakes were brought to her notice.

7. Government, after having examined all the aspects in detail, have decided to finalise the disciplinary action initiated against Smt.T.Uma IFS (KL:2009) by issuing a non-recordable warning to be more careful and circumspect in future in such matters, and issue orders accordingly.

(By Order of the Governor),

PAUL ANTONY
Chief Secretary to Government.

To

Smt.T.Uma IFS (KL:2009), Regional Deputy Director, Wildlife Crime Control Bureau, Chennai (through the Principal Chief Conservator of Forest & Head of Forest Force).
The Principal Accountant General (A&E), Kerala, Thiruvananthapuram.
The Principal Accountant General (Audit), 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,
The General Administration (SC) Department.
Web & New Media Division of I& PRD
Stock File/Office Copy.

Copy to:-
The Chief Principal Secretary to Chief Minister.
The Private Secretary to Chief Minister.
The Private Secretary to Minister (Forests, Animal Husbandry & Zoo).
The Additional Secretary to Chief Secretary.
The PA to Principal Secretary (Forests & Wildlife) Department.
The PA to Additional Secretary, General Administration Special (A & C) Dept.

Forwarded By Order

Section Officer