

GOVERNMENT OF KERALA
ABSTRACT.

Public Service-Forest Department-Sarvasree S. Ramasubba Iyer formerly Head Clerk, office of the Chief Conservator of Forests. T.M. Nallakannu Pillai, formerly clerk, office of the Chief Conservator of Forests and M.Pachu Kurup formerly Clerk office of the Divisional Forest Officer Kottayam (all retired)- Allegations of misconduct against – Reduction in pension orders.

HOME (F) DEPARTMENT

G.O. MS. No. 578/62/Home

Dated, Trivandrum, the 13th Nov. 1962.

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- Read:-
1. Letter DOC No. 21/XB/PG/58 dated 17-4-1959 from the Superintendent of Police, X-Branch.
 2. G.O.Rt. No. 1831/59/H. dated 22-10-1959.
 3. G.O. Rt. No. 819/60/H dated 10-6-1960.
 4. G.O. MS. No. 46/61/H dated 25-1-1961.
 5. G.O. Rt. No 619/62/H dated 9-4-1962; and
 6. Judgment of the High Court dated 5th June, 1962 in O.P. No. 687 of 1961.

ORDER

The honorable Justice Kumara Pillai, who conducted an enquiry against Sri S. Venkiteswaran, former Chief Conservator of Forests and others, in his report, observed inter-alia that the following officers of the Forest Department had failed in the proper discharge of their duties in so far as they had not checked and scurtinised the names of the boundaries given in the agreement of for the working down of timber from a forest area in Kottayam District which was the subject matter of the enquiry.

- i. Sri. K. Ayyappan, formerly Superintendent, Office of the Chief Conservator of Forests.
- ii. Sri. S. Ramasubba Iyer foremerly Head Clerk, office of the Chief Conservator of Forests.
- iii. Sri. T.M. Nallakannu Pillai, formerly Clerk, Office of the Chief Conservator of Forests.
- Iv. Sri. M. Pachu Kurup formerly Clerk, Office of the Divisional Forest Officer, Kottayam

It was also observed that a through investigation should be made in respect of the conduct of the above officers in regard to the contract

2 Accordingly, a detailed investigation was caused to be conducted in the matter by the X-Branch Police. The report of the X-Branch disclosed that the above officers had not discharged their duties properly and that their negligence had resulted in wrongful loss to Government amounting to a few lakhs of rupees. The report also disclosed that the above officers except Sri. Ayyappan had acquired properties and pecuniary resources

disproportionate to their known sources of income. As a prima facie cases had been made out against the above officers, Government proposed to take disciplinary action against them under the Kerala Civil Services (Classification control and Appeal) Rules. But the action proposed could not be proceeded with since the records relating to the enquiry against Sri Venkiteswaran and others which were necessary for pursuing action were not available since they were held up in connection with the petitions filed by Sri Venkiteswaran in the High Court and otherwise. In the mean time Sri Pachu Kurup retired on 23-10-1959, Sri Ramasubba Iyer on 22-5-1960 and Sri. Nallakannu Pillai on 8-2-1962. In all these cases payments of the amounts to the credit of the officers in the provident fund subscribed by them till 1-4-1951 and their pension were withheld in the Government orders read as 2nd, the 3rd and 5th paper. In the case of Sri Ramasubba Iyer, it was further ordered in the Government order read as 4th paper that half the amount of pension due to him, will be granted pending finalization of the enquiry against him.

3. Against this order Sri Ramasubba Iyer filed an original petition (C.P No. 687/61) before the High Court and in the judgement read as 6th paper, the High court set aside the Government Order on the ground that the enquiry proceedings have not yet been started against the petitioner and that it was unfair keep him out of his legitimate right to get and all the emoluments to which he would be entitled in law as on the date of superannuation. It was, however, made clear in the judgment that if the state Government intended to take any action, it was open to them to pass appropriate orders in that behalf.

4. Government have examined the judgment. They consider that the benefit accruing to Sri Ramasubba Iyer as a result of the judgment, should be extended to the remaining two officers also, in whose case also orders withholding pension and provident fund were passed by government.

5. The Kerala Civil Services (classification control and appeal) rules cannot be in winked against the above three officers as they have already retired from service. Action, can, however, be taken under rule 67 of part III Kerala Service Rules which provides that if the Service of the officer has not be thoroughly satisfactory, the authority sanction the pension should make such reduction in the amount as he thinks proper. The Officers in this case were guiltily of serious misconduct which resulted in wrongful loss to Government, as in clear from the report of the enquiry Commissioner who was a High Court Judge. The Government consider that the pension admissible to sarvasree M. Pachu Kurup T.M. Nallakannu pillai and S. Ramasubba Iyer should be reduced by one fourth under rule 67 part III Kerala Service rules or the relevant rule applicable to them and they order accordingly. Subject to these order, the orders contained in the Government orders read above with holding the payment of pension and provident fund due to the three officers are cancelled.

6. The case against Sri. Ayyappan, formerly superintendent office of the Chief Conservator of forests is being considered separately.

(By Order of the Governor)
Sd/-(P.I. Jacob)
Secretary to Governement.

To

1. Sri M. Pachu Kurup.
2. Sri T.M. Nallakannu Pillai,
3. Sri. Rama Subba Iyyer
4. The Chief Conservator of Forests.
5. The Accountant General.
6. The Agriculture (Forest) Department.
7. The Superintend of Police, X-Branch.
8. The Finance Department.

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