

GOVERNMENT OF KERALA

Abstract.

Forest establishment- Assistant conservator of Forests –appointment- regularization of-
Agriculture & Rural devpt, Dept. (Agri-Forest Estt.)

G.O.RT.782/65/Agri.

Trivandrum, dated 8-4-1965

Read:- 1. G.O.RT. 2304/Agri. Dated 14/9/1964.

2. G.O. Rt. 2441/Agri. Dated 30/9/1964.

ORDER

In the G.O. read as first paper above it has been ordered that pending issue of the Kerala Forest service special Rules direct recruitment and recruitment by transfer of Assistant Conservators of Forests will be made in the proportion of 3:2 and this will take effect from 1-11-1956. In the G.O read as 2nd paper above it has been clarified that the 3:2 proportion is applicable only to substantive vacancies in the permanent cadre. The appointment of directly recruited Assistant Conservators of Forests between 1-11-1956 and 28.9.1964 was regularized accordingly.

Now the Honorable High Court of Kerala in judgment in, O.P. 1441/63 filed by a Ranger promoted as Assistant conservator of Forests has held that rule 5 of the General Rules of the Kerala State and Subordinate Service rules 1958 which stipulates that direct recruitment can be made only against substantive vacancies does not come in to play so long as the Kerala Forest State Service Special Rules have not been issued and that the contention that under the Madras Rules direct recruitment of probationary assistant Conservators of Forest can only be against substantive vacancies in the permanent posts in the category has to be repelled Relevant extract from the judgment is given bellow:-

“Rule 2 of the Special Rules for the Madras Forest Service (vide, Madras services Manual, VoI.II, pages 72 to 74), proviso:

: Appointment to the several categories of service shall be made as follows:-
Assistant Conservators.

Direct recruitmen or recruitment
Assistant Conservators,
by transfer from Rangers of the
madras forest subordinates Service.

Provided that substantive vacancies in the category of Assistant Conservators shall be filled in accordance with the seniority of approved probationers”.
The Proviso above is clear that direct recruitments of probationary Assistant Conservators are not limited to substantive vacancies in permanent posts in the category,as has been vehemently contended by counsel for the petitioner and for some

others, and that the question of substantive vacancies in the category- not confined to permanent post therein- is relevant only at the time of confirmation of approved probationers in the Services. Rule 6 of Part II- General Rules of the Madras State and Subordinate Service Rules,(vide: Madras Services Manual, Vol.I, page 62) can not counter the above Special Rules in view of the express provision that the Special Rules will prevail over the General Rules (vide- Rules 2 of the General Rules). The contention that under the Madras Rules direct recruitment of probationary Assistant Conservators can only be against substantive vacancies in the permanent posts in the category has therefore to be repelled”.

Government have examined the position in the light of this judgment and they are pleased to order, in suppression of the G.O read as 2nd paper above, that the appointment of Assistant Conservators of Forests made since 1-11-1956 will be regularized applying the 3:2 ratio to all vacancies irrespective of permanent and temporary.

(By order of the Governor)
T.R. Sukumaran Nair.
Joint Secretary to Government.

To
The Chief Conservator of Forests.

End. On (E5) 11691/65-L. Dis. Dated 21/4/1965.

Copy to all the Conservators for information.

“P.A, A.O., and Assistant Conservator of Forests, Planning.
“Supt. E and Stock file, E1 and E5 Sections.

Sd/-
Chief Conservator’s Office,
Trivandrum. For Chief Conservator
of Forests.

End. On E1-8578/65 (D.Dis.) dated 14-5-1965.

Copy to all Divisional Forest Officers and Working Plan Officer, Chalakudy and Stock and E1 sections.

Conservator’s Office,
Chalakudy.

For Conservator of Forests.

Copy of the G.O.Rt. 1838/68/Home dt. 9-12-68 from Government Home (SS) Department Trivandrum to the Candidate concerned, and Appointing authority concerned.

Sub: - Public Service- verification of character and antecedents candidates debarred from appointment- orders cancelled.

Order

The Orders issued in the memorandum cited under Col.(i) of the statement appended to this G.O.debarring the candidate mentioned under col (ii) from appointment to the post mentioned under Col.(iii) are hereby cancelled.

The P.S.C has agreed to revive the advice of the candidate. The appointing authority mentioned under column(iv) of the statement should intimate to the P.S.C the reference number and date of the letter of advice, to facilitate such revival, He is requested to appoint the candidate concerned in a vacancy where available or in an additional post which may be created, if there is no vacancy.

By order etc.
Sd/-Joint Secretary. To Government.

Statement.

No & date of The memorandum (i)	Name and address of the candidate (ii)	Post to which the candidate was de- barred from appoint- ment (iii)	Appointing authority (iv)
No .9928/SSi/64/ Home dt.25-9-64	Sri. N. Somarajan Elamatharayil Veedu, Pannivizha Adoor P.O Quilon District.	L.D. Clerk (Forest Department	The conservator of Forests, Development Circle, Trichur (vide his letter No.E.4402/63 Dated 13-8-63

K/28-12

/true copy/

Sd/-
for conservator of Forests
Trichur