

**Copy of Circular No.68/76 on No. 53941/75 dt 28-5-76 from the Chief Conservator of Forests, to all sub offices.**

The question of expeditious proceeding of disciplinary cases of the Forest Departments, was discussed by me on 17-8-1976 with Chief Conservator of Forests (Development) addl. Inspector General (Forest and Taxes) Conservator of Forests, (Evaluation) Conservator of Forests, (Planning) Divl. Forest Officer, Trivandrum, Administrative Officer, of Supdt. E Section in the Office of the Chief Conservator of Forests. The provision now followed in taking disciplinary action and generally discussed, and it is found that it requires a review.. After considering the detail the various reasons for delay in the finalization of cases, the following remedial resources are ordered for expediting the finalizing of disciplinary causes. All the Officers who are connected with dealing papers on disciplinary cases are requested to follow there scrupulously in future so as to enture effective and quick disposal of disciplinary causes, and also be maintain strict disciplines.

1. De-centralisation of work. The Chief Conservator of Forests is now burdened with almost all the expiry cases on the mistaken impression that only the appointing authority is competent to initiate disciplinary action for major penalties. Rule No.15(2) of the K.C.,S. Rules 1960 empowers the disciplinary authority or the appointing authority or any other authority expowered by Govt. to take section against the Govt. servant to frame definite charges, if they are satisfied that there is a prime face for taking motion against the Govt. servant. As per the general delegation of powers the Divl. Forest Officers and Conservator of Forests are disciplinary authorities as they are competent to award the minor penalties mentioned in the Rule No.11 (1) of KCS (CCAA) Rules to managers and Lower categories of subordinates. Therefore they are competent to initiate proceedings under Rule 15 against such officers. On the basis of the preliminary enquiry report the Divl. Forest Officer will first decide whether there is a prison facts case for the infliction of a major or minor penalty If it is decided that there is a case for major penalties then the Divl. Forest Officer may frame and issue a charge name for major penalties and obtain written statement of defended from the delinguent subordinates in respect of all members of the subordinate service, ie. To any inclusive of managers, Junior Superintendent, Managers besides others, in the lower categories. On scrutiny of the explanation the D.F.O has to decide whether the explanation is satisfactors and acceptable or whether the matter has to be pursue pursued. If as mentioned in Rule 15, he is satisfied that a formal enquiry should be held into the conduct of the Govt. servant the Divl. Forest Officers, himself in his capacity as disciplinary authority, may conduct the formal enquiry and forward the minute of the enquiry to the authority competent to guard the punishments. In Government Memo No.spl.31-452/70/PG dt. 10-8-60 and in Judgement in O.P. No.1148/60 of Kerala High Court it is laid down.

The Govt. Servant can be dismissed or removed from service by an authority subordinate to that by which he was appointed. Even in cases where the powers of appointment, removal and dismissal from service have based delegated to a lower authority, the powers of removal and disposal from service of persons naturally appointed by a higher authority can be exercised only by such higher authority or by a superior authority.

If on a consideration of the preliminary enquiry report the Divl. Forest Officer would come to the conclusion that only a minor punishment will do, them the matter may be finalized at his level under Rule 16, bearing in mind, that promotion her, and recovery from pay though classified as Minor penalties are to be awarded by the appointing authority alone. In such cases a copy of the final proceedings should be submitted to the next higher authority for information.

(ii) As explained above the Divl. Forest Officer is composing to initiate disciplinary proceedings and conduct enquiries into the charges against Deputy Rangers and Rangers. But in order that the Divl. Forest Officer may gain sufficient experience in the conduct enquiries it is better, as a first step, that such cases against the Rangers and Rangers are dealt with by the Conservator of Forests, Conservator of Forest will in such cases issue the charge examine the written statement of defence and conduct the formal wherever necessary.

(iii) where a No. of delinquents of various categories (Guards) Foresters, Deputy Managers and Rangers, etc., ) and involved a composing enquiry may be conducted at the level of the Conservator of Forests.

- (iv) The impression that the officer who conducted the preliminary enquiry is not competent to conduct the formal enquiry is not corresponding. The more fact that on officer has conducted the preliminary orders does him to conduct a formal enquiry. It is the person who conducted the preliminary enquiry to conduct the enquiry also me he is already conversent with the facts. Unless the officer who conducted the preliminary enquiry would figure as a witness in the case it would be better to appoint him as the enquiry authority also. In cases where such officer is a witness the enquiry can be conducted by either the neighbouring Divl. Forest Officer all the Conservator of Forests.
- (v) The appointment of the presenting Officer to function as prosecutor before the enquiry authority is to be dispensed with .
- (vi) Delinquents may be allowed to engage Govt. servants by the Enquiry Authority to defend their cases but they need not be allowed to engage retired Govt. servants to defend their cases.
- (vii) Separate incidents occurring at different times even in same area need not a clubbed into a common enquiry.
- (viii) An incumbent register must be maintained in all members showing the up-to-date details of the persons in-charges of heads plantations sections, check-coats etc. A similar register may be maintained in the Divisional Offices and Circle Offices also.
- (ix) Periodical returns to facilities to review of progress of disposal of enquiry cases are being introduced.

The receipt of this circular may be acknowledged.

Sd/-  
P.T. Devasey  
Chief Conservator of Forests.

// True copy //

Endt. on 01-19156/76 dt. 3-5-76.

Copy to Conservator of Forests/Administrative Asst./Sections  
93 to stock file for attention.

Sd/-  
For Conservator of Forests, Trichur.