

GOVERNMENT OF KERALA

Abstract

Forest Department-Establishment- regularization of Provisional appointments of Forest Guards-orders issued.

AGRICULTURE (FOREST ESTT.) DEPARTMENT.

G.O.MS.No.29/72/Agri.

Dated, Trivandrum, 28-1-1972.

- Read:-
1. Judgment dated 17-12-1964 of the High Court of Kerala in O.P.No.2336 of 1963.
 2. G.O.MS.236/70/PD dated 13-7-1970.
 3. Correspondence resting with Letter No.E2.18880/67 dated 16-7-1970 from the Chief Conservator of Forests.
 4. Letter No. All (4) 34171/66 d/ 21-12-1971: from the Secretary, Kerala Public Service Commission.

ORDER

After the formation of the Kerala State on 1-11-1956, regular recruitments to the posts of Forest Guards through the Public Service Commission was held up pending unification of the service rules in Travancore-Cochin and Malabar areas. The unified rules (The Kerala Forest Subordinate Services special Rules) come into force with effect from 1-1-1963 and the first notification for recruitment on the basis of the unified rules was issued by the Public Service Commission only on 21-5-1963. During the interim period from 1-11-1956 to 21-5-1963 Vacancies of forest guards were filled up on a provisional basis through the Employment Exchange and otherwise by the Divi.Forest Officers concerned. When the Public Service Commission nominees were available, orders were issued to retrench the provisional guards. Most of them filed O.Ps. in the High Court and the Court stayed their retrenchment pending disposal of their writ petitions.

2. In the judgment first cited the Humble High Court has directed as follows:-

“The question for consideration is whether the Government have treated the petitioners in the same way as they treated the work establishment staff of the public Works Department. If the petitioners are similarly situate they should receive a similar treatment. Articles 14 and 16 of the Constitution require that. It is this aspect of the question which the Government have to consider. In the circumstances, I would direct the Government to consider the request of the petitioners for the regularization of their services, in the light of the observations made above”.

In the light of the above directions of the High Court the whole question was examined by the Government and it was decided that the case of provisional forest guards was identical to that of the work establishment employees of the Public Works Department.

3. In the G.O. second cited it was ordered that the forest guards appointed provisionally during the period from 1957 to 1963 who had the qualifications prescribed in the time their provisional appointments will be considered for regularization giving them relaxation of upper age limit to the extent of their period of service as agreed by the Public Service Commission.

4. The Government in consultation with the Public Service Commission are Pleased to order that the services of the 93 (Nine three) provisional guards, whose names are given in the annexure to this G.O. will be regularized from the dates of their provisional appointments shown in the annexure. When the services of these 93 provisional guards are regularized from the date of their provisional appointments all the forest guards whose date of continuous provisional appointment was prior to 21-5-1963 and who have been recruited to the post by the Dist. Recruitment Boards of the Public Service Commission subsequently while continuing provisionally will also be given benefit of regularisation of their continuous provisional appointment in the Post.

Sd/-
By Order of the Governor,
A.Neelakanta Pillai,
Joint Secretary.

To

The Chief Conservator of Forests.
-do- (Special)
All Conservators of Forests.
All Divisional Forest Officers.
The people's concerned (through C.C.F)
The Secretary, Kerala Public Service Commission (with C.L)
The Accountant General.
The Public (Services) Department.
Forwarded/ by order

Sd/-
Section Officer.

Appendix-1

List of Provisional forest guards whose appointments are to be regularized.

(List omitted)

This is the document marked as Ext.P2.in the above O.P

Sd.-----
Advocates.