

CIRCULAR

Sub:- Forest Department – Disciplinary action – Authority to inflict penalties clarified
Orders issued.

According to the K.C.S. (K.C.C. & A) Rules 1960 the penalties that can be imposed on a Government Servant are classified into two kinds, namely minor penalties and major penalties. The penalties and specified in items (i) to (iv) of rule 1 are the minor penalties and those specified in items (v) to (viii) are the major ones. The competent authority to inflict the above penalties is also specified in the K.C.S. Rules. According to rule 13 (2) (i) the authority which may impose the penalties of censure, fine and withholding of increments on a member of a subordinate service shall be his immediate superior Gazetted Officer and the authority which may impose the penalties of recovery from pay, withholding of promotion, reduction to a lower rank, compulsory retirement, removal and dismissal from civil service shall be the appointing authority or any high authority. In short all the major penalties including recovery from pay can be imposed on a Government servant only by the appointing authority or any higher authority. The term “Appointing authority” as defined in the K.C.S. Rules in relation to a Government servant means (i) the authority empowered to make appointment to the service, class or category of which the Government servant is for the time being a member or (ii) the authority empowered to make appointments to the post which the Government servant for the time being holds or where the power of appointment is delegated to any authority (iii) the authority which appointed the Government servant to such service, class, category or post as the case may be (iv) where the Government servant having been a permanent member of any other service, class or category or having substantively held any other permanent post has been in continuous service of the government the authority which appointed him to that service, class or category or to that post, whichever authority is the highest authority.

2. The matter was taken up with Government for clarification regarding the appointing authorities and their competency to inflict the penalties. Government have issued clarified orders in their memo No.746/FE1/65 dated 23-3-65. Appointing authorities are mentioned in Kerala Forest subordinate service special rules. Major penalties specified in rule 11 of the K.C.S. Rules 1960 except removal and dismissal from service can be imposed by the appointing authorities mentioned in the Kerala Forest subordinate service special Rules or any higher authorities. In respect of removal and dismissal from service, the punishments can be inflicted only by the authority who actually made the appointment in view of Article 311 (1) of

the Constitution of India, through the power of appointment has been delegated to a lower authority. The Kerala Forest Subordinate Service Special Rules have been published vide G.O.Ms. No.652 dated 29-11-62 and as specified therein the appointing authority of Rangers, Deputy Rangers and Forest apprentices is the Chief Conservator of Forests and the appointing authority of the Foresters is the Conservator of Forests and that of Forest Guard in the Divisional Forest Officer.

3. All the Subordinate officers are requested to bear in mind the above instructions while dealing with disciplinary cases. They are also informed that the Chief Conservator of Forests need be addressed only in cases where they are not competent to inflict the penalties.

Sd/-
For Chief Conservator of Forests.

Endt. on K-Dis.7804/65 dated 4-5-65.

Copy to stock file and circular file book.
Copy to all Sections.

For Conservator of Forests.