

FIFTEENTH KERALA LEGISLATIVE ASSEMBLY

**COMMITTEE
ON
PUBLIC ACCOUNTS
(2021-23)**

**EIGHTEENTH REPORT
(Presented on 7th July, 2022)**



**SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM**

2022

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EIGHTEENTH REPORT

on

**Action Taken by Government on the Recommendations
contained in the Fifty Seventh Report of the Committee on
Public Accounts (2001-2004)**

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Shri. Reji B., Additional Secretary

Shri. P. S. Selvarajan, Deputy Secretary

Smt. Shamy J., Under Secretary.

INTRODUCTION

I, the Chairman, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf present the Eighteenth Report on Action Taken by Government on the Recommendations contained in the Fifty Seventh Report of the Committee on Public Accounts (2001-2004).

The Committee considered and finalised this Report at the meeting held on 8th June 2022.

Thiruvananthapuram
7th July, 2022.

SUNNY JOSEPH,
Chairman,
Committee on Public Accounts.

REPORT

This Report deals with the action Taken by the Government on the recommendations contained in the 57th report of the Committee on Public Accounts (2001-04).

The 57th Report of the Committee on Public Accounts (2001-04) was presented in the House on 12th August 2003. The Report contained Eleven recommendations relating to Forest and Wildlife Department. The report was forwarded to Government on 05.11.2003 seeking the Statements of Action on the recommendations contained in the Report and the final reply was received on 26.09.2018.

The Committee examined the statements of Action Taken received from the Government at its meeting held on 10.01.2007, 14.05.2008, 10.04.2012, 15.05.2013 and 8.6.2022. The Committee was not satisfied with the Action Taken by the Department on the recommendations contained in Paragraphs 14 and 15. These recommendations, reply furnished thereon and further recommendations of the Committee are included in Chapter I of this Report. The Committee decided not to pursue action on the remaining recommendations, in the light of the replies furnished by the Government. Such recommendations/comments and their replies are incorporated in the Chapter II of this Report.

against the officers responsible for serious lapses in collecting the revenue due to Government and decided to reiterate its recommendation as to the action against officers concerned.

Recommendation

(Sl. No. 5, Para No. 15)

1.4 The Committee also recommends that the auditing wing be brought under a senior Chief Conservator of Forest so as to strengthen and improve its functioning and to realise the demands/claims due to the department/Government.

Action Taken

1.5 This is being examined by Government in consultation with Addl. Principal Chief Conservator of Forest who has also been requested to furnish proposals for rationalising the work of the Chief Conservator of Forests.

Further Recommendation

1.6 The Committee opined that the reply received from the Department is not to the point and hence not satisfactory. The committee should be informed whether the Government had examined the recommendation and took actions on it. If the Department did not take any action, the reasons there of should be furnished. The committee should also be informed of the steps taken by the Department in this matter.

CHAPTER II

RECOMMENDATIONS IN RESPECT OF WHICH THE COMMITTEE DO NOT
DESIRE TO PURSUE FURTHER IN THE LIGHT OF THE REPLIES FURNISHED BY
THE GOVERNMENT

FOREST AND WILDLIFE DEPARTMENT

Recommendation

(Sl. No. 1 Para No. 3)

2.1 Considering the magnitude of short levy of forest revenue, loss in auction and other irregularities which revealed short realisation of revenue relating to Forest & Wildlife Department, as pointed out in Audit, the Committee observes that if the result of test audit could be taken as an indicator, the actual loss would have been much higher and that the present set up of the internal audit system is not effective. There is also no follow up action on the reports and findings of this wing. The committee therefore recommends that the staff deployed for conducting Internal Audit should concentrate more on their intended purpose and urges the department to ensure effective monitoring and follow up action. The committee also recommends that the Internal Audit should always precede Accountant General's Audit to ensure the very purpose of administrative vigilance.

Action Taken

2.2 The Chief Conservator of Forest (D) is the designated officer in charge of internal audit in Forest Department. For the effective conduct of internal audit in Forest Department, a second unit of internal audit wing has been set up w.e.f 01.01.2006 by sparing the services of one Junior Superintendent and two clerks additionally. Eventhough two units of internal audit wing are now functioning there are limitations to carry out internal audit in all Forest Offices just before Accountant General's inspection. Internal Audit is being conducted in Ranges as well as in Forest Divisions. There are 80 Divisions and 159 Ranges in the Forest Department under various wing which include Territorial Forest Divisions, Wilde Life Divisions, Social Forestry Divisions, Flying Squad Divisions, Research Wing, Timber Sales Divisions and Forest Schools.

2.3 The Chief Conservator of Forests (D) has further reported that now, programmes' are being charted out for conducting internal audit in two Divisions and Ranges coming there under in a month for each team. It may be very difficult to cover entire offices, every year by the two teams now

available preceding A.G's audit. At the same time efforts are made to cover all the wings with maximum speed.

Recommendation

(Sl. No. 2, Para No. 4)

2.4 The Committee desires to be furnished with the details of internal audit conducted in the territorial ranges and the major findings.

Action Taken

2.5 The total number of officers audited by the Internal audit wing from 2001 to 2005 is as follows:

1. 2001-2002-35 offices
2. 2002-2003-36 offices
3. 2003-2004-42 offices
4. 2004-2005-68 offices

2.6 The total number of territorial Ranges due to be audited by the internal audit wing during the years 2001-02 to 2004-05 are as follows:

2001-02-38

2002-03-37

2003-04-31

2004-05-5

The details regarding the major findings of the internal audit wing during 2004-2005 in connection with the progress of action taken on the basis of para 4 of the recommendation is as follows:

Period	Name of Office	Particulars/Details of finding	Loss Sustained to Govt.(in ₹)
2004-05	Divisional Forest Officer, Munnar.	1.Sanctioning high rates in the work digging pits against G.O.(Rt)101/90	173278
		2.Illicit collection and removal of 6752 sandal wood tree (01.04.2002 to 03/2005) in Marayoor Range.	40764700
2004-05	Wildlife Warden, Idukki	1.Irregular drawal of NRA without obtaining Authorisation from AG.	150000
		2. Purchase of stores without observing Stores Purchase Rules	319536
2004-05	Divisional Forest Officer, Nilambur (N)	1.Expenditure made without sanction from Competent Authority (Planting work -items like manure etc.)	479587
2004-05	Divisional Forest Officer, Ranni	Revision of Estimate and Rate after execution of agreement.	118947
2004-05	Wildlife Warden, Tvpm	Sanctioning of high rate in the work of diggings pits against G.O.(Rt)101/90	49193
2004-05	SF Division, Kannur	Sanctioning of high rate in the work of diggings pits against G.O.(Rt)101/90	213324
2004-05	Wildlife Division, Silent Valley	Excess rate in the maintenance of forest roads.	95619
		Purchase of stores without observing Stores Purchase Rules	105800
2004-05	Wildlife Warden, Peechi	1st year 1st weeding before completing planting work.	-

2004-05	Divisional Forest Officer, Munnar Adimali(A8-12485/05)	150 bags of Cement caked and destroyed due to non-use in time.	25000
2004-05	Divisional Forest Officer, Tvpm	Sanctioning of high rate in the work of Gully plugging against allowable rate	3692
2004-2005	Punalur Division	1st year 1st weeding before completing planting work.	-

2.7 It is also reported by the Chief conservator of Forests (D) that necessary follow up action has been taken on the observations made by the Internal Audit wing. Drastic action has also been taken viz suspension of Sri. M.G. Abraham, then Wild Life Warden, Idukki for the misappropriation of money (as per G.O.(Rt) No.426/05/ F&WLD dated 30.07.2005). Out of irregular expenditure made for ₹4,79,581/- in Nilambur North Division, an amount of ₹2,24,419/-has been recovered from the responsible persons.

Recommendation

(Sl. No. 3, Para No. 6)

2.8 The Committee understands that clarification regarding Kerala Grants and Leases (Modification of Rights) Amendment Bill 1999 has been forwarded to the Union Home Ministry. The Committee recommends that urgent steps be taken to expedite the process and to frame Rules incorporating the provisions contained in the Act which confers power to revise the lease rent form time to time.

Action Taken

2.9 The Kerala Grants and Leases (Modification of Rights) Amendment Bill 1999 passed by the Kerala Legislative Assembly was forwarded to the President of India for his assent. Subsequently, the Government of India, Ministry of Home Affairs had informed that the purpose for which can be achieved by making rules under the Act by State Government and as such an

amendment to the Act is not necessary. Accordingly, the State Government have amended the Kerala Grants & Leases (Modification of Rights) Rules, 1990 as per G.O (P) No. 50/09/F&WLD dated 28.11.2009 so as to enable the District collectors to revise the lease rent or assessment. In obedience to this order, necessary directions have been given to the Revenue Department and District Collectors to take steps to implement the Kerala Grants and Leases (Modification of Rights) Rules, 1990. The revision of lease rent is in progress. Now steps are being taken to withdraw the Kerala Grants and Leases (Modification of Rights) Amendment Bill 1999.

Recommendation

(Sl. No. 6, Para No. 19)

2.10 The Committee suggests that the Department ought to show more sincerity in giving timely replies to audit objections. The Committee recommends that earnest efforts should be made to convene Audit Committees in time and that the Finance Department, in particular, should take the lead in the clearance of Audit objections.

Action Taken

2.11 Earnest efforts are taken for giving timely replies to Audit objections. Audit objections. Audit Committees shall be convened on receipt of pending list of LAR cases from Accountant General (Audit) Thiruvananthapuram.

Recommendation

(Sl. No. 7, Para No. 21)

2.12 The Committee understands that Government have deferred the collection of arrears for one year due to the weak financial position of the Plantation Corporation of Kerala Limited. The Committee urge the Forest Department to furnish the details of collection of lease rent arrears after the expiry of moratorium granted by Government.

Action Taken

2.13 Government vide GO(MS)No.128/08/AD dated 07.08.2008 had accorded sanction for remitting Rs.7 crore provisionally towards arrears of lease rent of plantation area till the disputes regarding the rate of lease is finally decided by Government. As per the orders contained in GO(MS)No.128/08/AD dated 07.08.2008, M/s. Plantation Corporation of Kerala has remitted 7 crore rupees against the lease rent arrears due to Forest Department. In the meeting held on 17.09.2010, it was decided to place the issue of reduction of lease rent or the estates leased out to M/s. Plantation Corporation of Kerala before the Council of Ministers as ordered by Hon'ble Chief Minister. Final decision in the matter has not been taken yet.

Recommendation

(Sl. No. 8, Para No. 23)

2.14 The Committee desires to be furnished with the details of collection of lease rent arrears in respect of Kerala Forest Development Corporation after the issuance of Government orders on 05.01.2002.

Action Taken

2.15 The Kerala Forest Development Corporation is regularly remitting the lease rent for the forest land leased out to them with effect from 01.04.2002 onwards. The arrears of lease rent up to 31.03.2002 amounting Rs.120.40 lakhs excluding penal interest has been requested to adjust against the subsidy due to KFDC. A meeting was held on 27.12.2011 at Government level to settle the dues of Kerala Forest Development Corporation. Final decision in the matter has not been taken yet.

Remarks on para no. 21 & 23

2.16 The Committee recommended the Government to take a final decision in this regard by giving remission if necessary and settle the case at the earliest.

Recommendation

(Sl. No. 9, Para No. 36)

2.17 The Committee finds no justification in the action of the Government in regularizing the supply of teakwood to the institutions at seigniorage rate at a later date after effecting the supplies once the audit objected such supplies. The Committee is distressed to note that no formal concurrence were obtained from the Finance Department before effecting the supply. Out of the four files related to the supply of timber, only two files were submitted to the Committee, as a result of which the Committee could not study and examine the cases in its totality. The Committee was informed that the other files were destroyed after they were transferred to GA (Records) Section. The Committee cannot accept the explanation offered in this regard as the Committee found out that the files were destroyed even before the completion of audit. The Committee feels that if files are destroyed in such a manner, it would cause incomplete audit and let the matter slip away from examination by PAC, resulting in non-compliance with a constitutional obligation. The Committee urges the department not to repeat such lapses and to maintain all related files intact till the completion on audit and clearance of objection raised by Audit.

Action Taken

2.18 A circular instruction was issued vide no. 925/B2/04F&WLD dated, 27-05-2006 to all sections of Forest & Wildlife Department for maintaining all files intact relating to Audit till the completion and clearance of Audit objection.

Further Recommendation

2.19 The Committee is not satisfied with the reply furnished by the Department. The Committee viewed it seriously the fact that the Department destroyed two files before the completion of audit. Therefore, the Committee wanted to know whether the files were destroyed in accordance with the procedures in the Secretariat Manual. As per the rule Administrative

Department has no power to give concession without concurrence of the Finance Department. Even if the Finance Department agrees, the matter should be brought to the notice of the Cabinet, considering the Economy Order and the Volume of Amount. Hence, the Committee firmly believes that the matter is done against the Rules of Procedures. Therefore, the Committee wanted to know whether any disciplinary action is taken against the delinquent officers. If not, the reasons for not taking the disciplinary action against such officers.

Action Taken Report

2.20 The files deals with the subject were destroyed. Hence it is not known whether disciplinary action has been taken against the delinquent officers. The details of officers responsible for destroying two disposals could not be traced out in the Section. Hence General Administration (Services A), General Administration (SR) and General Administration (Special B) departments have been requested to provide the details of officers working in the period. No details were available in that department also. Since the lapse occurred during the period 1994-2000 it is very difficult to collect the details of responsible officers. The files are now digitised. Hence such lapses will not be occurred in future. Committee may be requested to consider the above facts and further proceedings in the para may kindly be dropped.

Recommendation

(Sl. No. 10, Para No. 37)

2.21 The Committee desires to know whether the balance amount was realized from the College Authorities. The Committee also recommends to take disciplinary action against the officers responsible for non-realization of centage charges which caused a loss of Rs. 2.49 lakhs in connection with the supply of teak wood to St. Peters College, Kolencherry.

Action Taken Report

2.22 St. Peters College authorities had filed WP No. 24503/2004 before the Hon'ble High Court against the Revenue Recovery Proceedings and the same was dismissed on 07.07.2005. Later on RP no. 781/2005 was filed by them and that was also dismissed by the Hon'ble High Court on 20.10.2005, giving freedom to the petitioner to file fresh WP if there is any case for it. Later the Chief Conservator of Forests (Protection) has informed that the college authorities have remitted the entire due amount of Rs. 2,49,305/- vide chalan No. 1431 dated, 16.09.2005 of Kunnathunadu Sub Treasury in the SBT, Perumbavoor.

Further Recommendation

2.23 The Committee recommended to take disciplinary action against the officers responsible for non-realisation of Centage Charges. But the reply received from the Department has not mentioned anything about this. Therefore, the Committee wanted to know whether any disciplinary action had been taken against the officers who failed to taken action. If not, the reasons for not taking the action. The Committee also recommends that stringent disciplinary action be taken against such officers without any delay.

Action Taken

2.24 The disciplinary action against the Officers responsible for non-realisation of Centage charge was finalized by serving a memo. (The Computer copy of the letter of the DFO, Thrissur to the CCF is enclosed) As the centage charge was realized from the St. Peter's College authorities and the responsible officers retired from Service, the disciplinary action against them were dropped.

Recommendation

(Sl. No. 11, Para No. 38)

2.25 The Committee also desires to be furnished with the details of the two files destroyed and to fix responsibility for destroying the files which were to be maintained till the audit process was completed.

Action Taken

2.26 The following are files destroyed by General Administration (SR) Department.

i) 386/D1/94/F&WLD

ii) 8184/D1/94/F&WLD

A Circular instruction was issued vide No. 925/B2/04/F&WLD dated, 27.05.2006 to all Sections of Forest & Wildlife Department for maintaining all files intact relating to Audit till the completion and clearance of Audit objection.

Further Recommendation

2.27 The Committee opined that the reply is not satisfactory. The Committee expressed it as quite unfortunate that the department couldn't fix responsibility on the delinquent officers. Therefore, the Committee recommends that responsibility be fixed on the Officers who destroyed in the files and stringent disciplinary action be taken against them.

Action Taken

2.28 A Circular instruction was issued to all section of Forest and Wildlife department for maintaining all files intact relating to Audit till the completion and clearance of Audit Objection. The details of Officers responsible for destroying the disposals leading to the file mentioned in the para could not be found from the General Administration (Services A) Department, General Administration, General Administration (SR) Department and General Administration (Special B) Department. Therefore disciplinary action could

not be taken against the officers concerned. As it was very old case and it was happened during 1994 to 2000, there is no way to collect the details of responsible officers. The files are now digitized and such lapses will not be occurred in future. As it is an old case the Committee may be requested to accept the reply and to drop the para.

Thiruvananthapuram,
7th July, 2022.

SUNNY JOSEPH,
Chairman,
Committee on Public Accounts.

APPENDICES

Summary of Main Conclusion/Recommendation

Sl No.	Para No.	Department Concerned	Conclusion/Recommendation
1	1.3	Forest & Wildlife	The Committee expressed its displeasure over the laxity in taking action against the officers responsible for serious lapses in collecting the revenue due to Government and decided to reiterate its recommendation as to the action against officers concerned.
2	1.6	”	The Committee opined that the reply received from the Department is not to the point and hence not satisfactory. The committee should be informed whether the Government had examined the recommendation and took actions on it. If the Department did not take any action, the reasons there of should be furnished. The committee should also be informed of the steps taken by the Department in this matter.

CIRCULAR NO.206 DATED, 23-2-2006

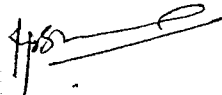
Sub:- Internal Audit -- Prompt Reply furnishing - reg.

The Internal Audit of the various offices under Forest Department are conducted by the Internal Audit Unit functioning under the Chief Conservator of Forests (Development) of the Department. The Internal Audit is to ensure proper enforcement of laws, rules, procedures and departmental instructions that govern the Forest Department Administration. The Internal Audit also helps in the creation of reliable financial management information system for prompt and efficient services and for adequate safeguards against evasion of revenue.

In the Government Circular No.59/93/Fin. Dated, 24/8/93 it was ordered that the rectification reports on the Internal Audit Report should be obtained from the sub offices and the same critically scrutinized by the Heads of the Department without fail and the irregularities of serious nature should be reported to Government.

Even though the Internal Audit Unit attached to be Chief Conservator of Forests (Development) is making department audit periodically and is forwarding its report to various sub offices, they in turn are not prompt in furnishing replies. Consequent to this, delinquent Officers often escape from the punishment. Instances have come to notice that no action is taken on the Audit/Inspection Reports for years together and later the requests are made for dropping the objection on the ground of time factor involved in the cases. This is not a healthy practice.

Hence, all the Divisional Forest Officers/Conservator of Forests are here by informed that the reply to the Internal Audit Report should be submitted within 30 days on receipt of the report. Any consequent loss to be Government on account of the delayed replies will be made the personal liability of the staff Officer who have member and caused delay in submission of replies.



PRINCIPAL CHIEF CONSERVATOR OF FORESTS

To

All Chief Conservator of Forests/Additional Principal Chief Conservator of Forests.

All Conservator of Forests/Divisional Forest Officers.

✓

- Sub: Internal Audit - clearing pending Internal Audit Reports - reg.
 Ref: 1. Govt. Circular No.96/2003 dated 19.12.2003
 2. Govt. Circular No.32/2005/Fin dated 10.06.2005
 3. Circular No.2/2006 dated 23.02.2006 from the PCCF

The Internal Audits on the various offices under Forest Department are conducted by IA Wing functioning under Chief Conservator of Forests (Development).

The circular 1st specifies that all the audit objections should be settled within 3 months.

In circular 2nd cited, the Government has directed that "if any financial liability is involved in the audit objections, two months time may be given to the concerned to settle the same and if it is not settled within the period, the same shall be recovered from the persons concerned without further delay. Any laxity on this will be viewed seriously and will be treated as the personal liability of the responsible controlling authority."

In the Circular cited (3), it has been directed from this office that all the Divisional Forest Officers/Conservators of Forests shall furnish reply to IA reports within 30 days from the receipt of the report.

In spite of the above instructions, it is observed that even first replies are delayed by more than 1 - 2 years in the case of many Divisions. This situation is far from satisfactory. The instructions in the Government circulars are also not seen adhered to. The situation is not at all satisfactory and requires necessary improvement.

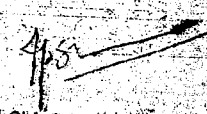
The Finance Department has been closely monitoring the internal audit programmes of the Department. The progress of Internal Audit is one of the items being looked into by the Public Accounts Committee also. In view of the importance of the Internal Audit, the audit setup strength under Chief Conservator of Forests (Development) has been increased during 2005-2006. All these are meant to make the Internal Audit regular, strict and purposeful.

The Internal Audits are conducted to ensure proper conduct by offices in the matter of application of rules, regulations, guidelines etc. including observance of financial principles. The objective of Audit will be achieved only if the defects pointed out are rectified at the earliest and replies are furnished to the observations.

From what is observed, it is apparent that many Divisions are not taking the Internal Audits seriously and no efforts are being made for rectification/corrections. With the result, in many cases the defects pointed out in the earlier audits are seen repeated and earlier observations figures in subsequent audits also.

It is therefore felt that the Internal Audit shall not take the form of a routine exercise and hence it is decided to conduct repeat internal audit in the same office after a period of 3 or 4 months to ensure that the observations made in the earlier Internal Audit are replied satisfactorily/complied with. The Audit will now concentrate on rectification of defects by repeat audits in the same Division.

It is therefore emphasized that all Divisional Forest Officers and Conservators of Forests should ensure submission of replies to Internal Audits within the prescribed periods and also take corrective measures on the critical observations in the audit so that the contingency of a repeat audit does not arise.


Principal Chief Conservator of Forests

- Copy to Divisional Forest Officers/Wildlife Wardens/Assistant Conservators of Forests
- Copy to Conservators of Forests including Field Director (RT), Kottayam
- Copy to Chief Conservator of Forests (Social Forestry), Kozhikkode/Ernakulam
- Copy to Chief Conservator of Forests (Wildlife), Palakkad
- Copy to Chief Conservator of Forests Regional (North/South), Kozhikkode/Kollam

67-B

18

No.എ8-558/1995

E-Mail: dfotsd_pbvr@rediffmail.com

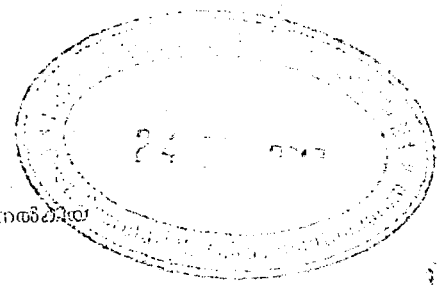
തീയതി: 28.12.2006

ബി. സുധാകരൻ പിള്ള,
ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർ,
ടിബറ്റി സെയിൽസ് ഡിവിഷൻ, ചെറുനാവൂർ.

ഫോറസ്റ്റ് കൺസർവ്വേറ്റർ,
സെന്റ്രൽ സർകിൾ,
തൃശ്ശൂർ

സർ,

- വി.ചയം:- കോലഞ്ചേരി സെന്റ് പീറ്റേഴ്സ് കോളേജ് (ട്രസ്റ്റിന്) തടി നൽകിയതിൽ ബാക്കി തുക ഈടാക്കുന്നത് - സംബന്ധിച്ച്
- സൂചന:- അങ്ങയുടെ ജി.ഐ.എ.ഐ. നമ്പർ: 13.12.2006 നമ്പർ കത്ത്



സൂചനയിലെ കത്തിലേക്ക് അങ്ങയുടെ ശ്രദ്ധ സാർവ്വം ചെലനിക്കുന്നു. കോലഞ്ചേരി സെന്റ് പീറ്റേഴ്സ് കോളേജിന് തടി നൽകിയതിൽ സർക്കാരിനുണ്ടായ 2,49,305/- രൂപയുടെ നഷ്ടത്തിന് ഉത്തരവാദിയായ ഉദ്യോഗസ്ഥന്റെ പേരിൽ ശിക്ഷണ നടപടികൾ സ്വീകരിക്കുന്നതിന്റെ ഭാഗമായി അന്നത്തെ ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർ ശ്രീ. പി.ഡി. തങ്കപ്പൻ, വിട്ടൂർ ഡിസ്ട്രിക്റ്റ് ഓഫീസർ ശ്രീ. സി. രാജശങ്കരൻ, ഡിവിഷൻ ഓഫീസിലെ മാനേജർ ശ്രീ. കെ.ജെ. ജോസഫ്, യൂണിറ്റ് ക്ലർക്ക് ശ്രീ. പി.എസ്. ഗോപിനാഥൻ, വിട്ടൂർ ഡിസ്ട്രിക്റ്റ് ക്ലർക്ക് ശ്രീ. എം.യു.ജി. ജോസഫ് എന്നിവർക്ക് ഈ ഓഫീസിൽ നിന്ന് മെമ്മോ നൽകുകയും, ആയതിന് ടിയാമ്പാർ നൽകിയ സമാധാനം അനന്തര നടപടികൾക്കായി ഫയൽ സഹിതം അങ്ങയുടെ ഓഫീസിലേക്ക് നൽകുകയും ചെയ്തിരുന്നു. അങ്ങയുടെ ഓഫീസിൽ നിന്നും ടി ഫയൽ വിശദമായി പരിശോധിക്കുകയും, സെന്റ്രൽ ഫോറസ്റ്റ് ഓഫീസിൽ ഈടാക്കാതെ തന്നെ, ഒരു സമത്വപത്രം വാങ്ങി തടി വിട്ടുകൊടുക്കാൻ വ്യക്തമായി ഉത്തരവ് നൽകിയ അന്നത്തെ ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർ ശ്രീ. തങ്കപ്പൻ മന്ദ്രമാണ് ഉത്തരവാദിയെന്നും, സെന്റ്രൽ ഫോറസ്റ്റ് വാങ്ങുന്നതിനെപ്പറ്റി സർക്കാരിൽ നിന്ന് വ്യക്തമായ ഉത്തരവുകൾ ഒന്നും നൽകാതെ, വർഷങ്ങൾക്ക് ശേഷം സെന്റ്രൽ ഫോറസ്റ്റ് ഈടാക്കാതെ കൂടുതൽ ഉദ്യോഗസ്ഥന്മാരുടെ അപ്രകാരം നടപടികൾ

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ടുകുന്നതിനുള്ള നിർദ്ദേശം ഒഴിവാക്കണമെന്നും റിട്ടയർ ചെയ്ത ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർ ശ്രീ. തങ്കപ്പൻ എതിരെ നടപടി തുടരണമെങ്കിൽ മേൽ ഓഫീസിൽ നിന്നും നടപടി ചെയ്യണമെന്നും അങ്ങയുടെ ജി-3392/01 തീയതി 05.05.2004 നമ്പർ കത്ത് പ്രകാരം ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്റർ(ഭരണം)റോട് ആവശ്യപ്പെടുകയുണ്ടായി. ഇതേ നിർദ്ദേശങ്ങൾ തന്നെ അങ്ങയുടെ ഓഫീസിൽ നിന്നും ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്റർ(വികസനം) കും അങ്ങയുടെ ജി-3392/01 തീയതി 28.07.2004 കത്ത് പ്രകാരം നൽകിയിട്ടുണ്ട്.

ഈ കേസിൽ ശ്രീ. ഗോപിനാഥൻ, ശ്രീ. രാജശേഖരൻ എന്നിവർ ഒഴികെ ബാക്കി ജീവനക്കാർ റിട്ടയർ ചെയ്തതു കൊണ്ട് ടിയാന്റരുടെ പേരിൽ അച്ചടക്ക നടപടി തുടരേണ്ടത് സർക്കാർ തലത്തിലും, ശ്രീ. രാജശേഖരൻ, റെയ്ഞ്ച് ഓഫീസർ, ശ്രീ. പി.എസ്. ഗോപിനാഥൻ, യു.ഡി. ക്ലാർക്ക് എന്നിവരുടെ പേരിൽ ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്റർ തലത്തിലുമായിരുന്നു. ഈ ഓഫീസിലെ ബന്ധപ്പെട്ട ഫയൽ പരിശോധിച്ചതിൽ അങ്ങിനെ ഒരു നടപടിയും ആരുടെ പേരിലും ഉണ്ടായതായി കാണുന്നില്ല.

ശ്രീ. ഗോപിനാഥൻ, 31.01.2004-ൽ റിട്ടയർ ചെയ്യുകയും, അച്ചടക്ക നടപടികൾ എങ്ങുമെത്താത്ത സാഹചര്യത്തിൽ ടിയാന്റെ പേർക്കുള്ള ബാധ്യത 49,861 രൂപ കണക്കാക്കി, ടിയാന്റെ ഗ്രാറ്റുവിറ്റിയിൽ നിന്ന് തടഞ്ഞു വെച്ച് കൊണ്ട് ബാക്കി പെൻഷൻ ആനുകൂല്യങ്ങൾ അനുവദിക്കുകയും ചെയ്തു. റിട്ടയർ ചെയ്ത് ഏഴു മാസം കഴിഞ്ഞിട്ടും നടപടി യൊന്നുമൊത്തതുകൊണ്ട് ശ്രീ. ഗോപിനാഥൻ 23.08.2004-ൽ ഭരണ വിഭാഗം ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്റർക്ക് ഒരു വകീൽ നോട്ടീസ് നൽകുകയും, ആയതിൽ ടിയാന്റെ ഡെത്ത് കം റിട്ടയർമെന്റ് ഗ്രാറ്റുവിറ്റി കുടിശ്ശികയ്ക്ക് 12% പലിശയോടെ നൽകുന്നതിന് നിയമനടപടികൾ സ്വീകരിക്കുന്നതാണെന്നും അറിയിച്ചിരുന്നു.

ജീവനക്കാരെതിരെ നടപടി തുടങ്ങിയതിനൊപ്പം തന്നെ ഈ നഷ്ടതുക ഈടാക്കുന്നതിനായി കോലഞ്ചേരി സെന്റ് പിയറേഴ്സ് കോളേജ് (സ്റ്റീൽ) പേരിൽ റവന്യൂ റിക്കവറി തുടങ്ങിയിരുന്നു. റവന്യൂ റിക്കവറി നടപടികൾക്കെതിരെ കോലഞ്ചേരി സെന്റ് പിയറേഴ്സ് ഫയൽ ചെയ്ത ഒ.പി. 24503/05 കേസിലെ വിധി ടി സ്ഥാപനത്തിന് പ്രതികൂലമായ സാഹചര്യത്തിൽ അവർ ഈ വിധിക്കെതിരെ WA781/05 ഫയൽ ചെയ്യുകയും ടി റിട്ട് അപ്പീലും സ്ഥാപനത്തിന് അനുകൂലമല്ലാത്ത സാഹചര്യത്തിൽ നഷ്ടതുക 2,49,305/- രൂപ പ്രശ്നീകരിച്ച് അടയ്ക്കുകയും ടി തുക ഈ ഡിവിഷനിലെ ഹൈക്കമാൻഡ് 9/03/05 2005

ഇതിനിടെ ശ്രീ. രാജശേഖരൻ 31.08.2005-ൽ റിട്ടയർ ചെയ്യുകയും റിട്ടയർ ചെയ്ത ഒരു വർഷമായിട്ടും ടിയാന്റെ നോൺ ലയൺലിറ്റി സർട്ടിഫിക്കറ്റ് വിട്ടു കൊടുക്കാത്തതു കൊണ്ട് ടിയാന്റെ ഡെത്ത്-കം റിട്ടയർമെന്റ് ഗ്രാറ്റുവിറ്റി വിട്ടു കിട്ടുന്നതിനായി ഭരണ വിഭാഗം ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്റർക്ക് അപേക്ഷകൾ നൽകുകയും, ടിയാൻ നിയമ നടപടിക്ക് ഒരുങ്ങുകയാണെന്നും അറിയിച്ചിരുന്നു.

സെന്റ് പിറ്റേഴ്സ് കോളേജ് ട്രസ്റ്റിൽ നിന്നുള്ള കുടിശ്ശിക ഈടാക്കിയതുകൊണ്ട് ശ്രീ. ഗോപിനാഥൻ റിട്ടയർ ചെയ്ത രണ്ടര വർഷവും, ശ്രീ. രാജശേഖരൻ റിട്ടയർ ചെയ്ത ഒരു വർഷവും കഴിഞ്ഞിട്ടും മേൽ ഓഫീസിൽ നിന്നും അച്ചടക്ക നടപടികൾ ഒന്നും കാണാത്ത സാഹചര്യത്തിൽ ഈ ഓഫീസിലെ ബന്ധപ്പെട്ട ഫയലുകൾ വിശദമായി പരിശോധിക്കുകയും, ടിയാന്മാർക്കർക്കെതിരെ ഈ ഓഫീസിൽ നിന്ന് ഒരു സാധാരണ മെമ്മോ നൽകി ആയതിന് സമാധാനം വാങ്ങിച്ച് മേലാഫീസിലേയ്ക്ക് അനന്തര നടപടികൾക്ക് സമർപ്പിച്ചതല്ലാതെ, ചട്ടപ്രകാരമുള്ള അച്ചടക്ക നടപടികൾ ഒന്നും തന്നെ നടന്നിട്ടില്ല എന്ന് കാണുകയും ഇങ്ങനെ അച്ചടക്ക നടപടികൾ ഒന്നും നടന്നിട്ടില്ല എന്നതു കൊണ്ടും, അച്ചടക്ക നടപടികൾ ഒന്നും എടുക്കേണ്ടതില്ലാത്ത സാഹചര്യത്തിലും ആ പേരിൽ ടിയാന്മാരുടെ പെൻഷൻ ആനുകൂല്യങ്ങൾ വിട്ടു കൊടുക്കാതിരിക്കുന്നത് നിതികൂ നിരക്കുന്നതല്ല എന്ന് ഉത്തമബോധ്യമാകുകയും, വിവരാവകാശ നിയമത്തിന്റെ പ്രസക്തിയുള്ള ഈ കാലഘട്ടത്തിൽ ടിയാന്മാർ കോടതിയെ സമീപിച്ചാൽ ഒരു കാരണവുമില്ലാതെ പെൻഷൻ ആനുകൂല്യങ്ങൾ വച്ചു താമസിപ്പിച്ചതിന് ഡിസാർട്ട്മെന്റിന് നേരിടേണ്ടി വരുന്ന സാമ്പത്തിക നഷ്ടവും, മറ്റു ഭവിഷ്യത്തുകളും കണക്കിലെടുക്കുമ്പോൾ, ടിയാന്മാരുടെ ആനുകൂല്യങ്ങൾ ഒരു നിമിഷം പോലും വൈകാതെ നൽകി ഡിസാർട്ട്മെന്റിന്റെ മുഖം രക്ഷിക്കേണ്ടത് അനിവാര്യമാണെന്ന ഉത്തമബോധ്യം വന്നതിനാലും, മേൽ ഓഫീസുകളിൽ നിന്ന് അംഗീകാരം ലഭിക്കുന്നതിന് ഇനിയും കാലതാമസം എടുക്കും എന്നതിനാലും ടിയാന്മാരുടെ ഡെത്ത് കം റിട്ടയർമെന്റ് ഗ്രാറ്റുവിറ്റി വിട്ടുകൊടുക്കുന്നതിന് ഞാൻ നിർബന്ധിതനാകുകയായിരുന്നു.

KSR Part III Rule 116, Ruling 5 പ്രകാരം "In all cases where the liabilities could not be assessed and fixed before retirement of the Government employees, efforts should

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be made to assess and adjust the recoverable dues within a period of one year from the date of retirement of the Government employee concerned. If in any case, the liability could not be assessed and adjusted within one year, the amount withheld from the Death Cum Retirement Gratuity or the Surety Bond or Cash deposit accepted under para (1) or (3) above will be released. Disciplinary action shall be taken against the employees responsible for the failure to assess and adjust the liabilities within the prescribed period".
 എന്നു പറയുന്നു.

ടിയാന്മാരുടെ ഗ്രാറ്റുവിറ്റി വിട്ടു കൊടുക്കുന്നതിന് 28.09.2006-ൽ നടപടി ഉത്തരവാ യതിനു ശേഷം ഭരണവിഭാഗം ചീഫ് ഫോറസ്റ്റ് കൺസർവ്വേറ്ററിൽ നിന്ന് ലഭിച്ച 29.09.06 ലെ ബി4-19891/06 നമ്പർ കത്തിൽ ടിയാന്മാരുടെ പേരിൽ അച്ചടക്ക നടപടികൾ ഒന്നും നിലവി ലില്ല എന്നും ആയതിനാൽ തൃശ്ശൂർ ഫോറസ്റ്റ് കൺസർവ്വേറ്ററുമായി ബന്ധപ്പെട്ട് അനന്തര നടപടികൾ കൈക്കൊണ്ട് പെൻഷൻ ആയ ജീവനക്കാരുടെ പെൻഷൻ ആനുകൂല്യങ്ങൾ നൽകുന്നതിനുള്ള അനന്തര നടപടി കൈക്കൊള്ളണമെന്ന് നിർദ്ദേശിച്ചിരുന്നു.

ഈ ഓഫീസിലെ 28.09.2006-ലെ എ8-558/95, ഇ1-1294/03 എന്നീ നടപടി ഉത്ത രവുകൾ മേൽ കാര്യങ്ങൾ സ്വയം വെളിപ്പെടുത്തുന്നു (പ്രസ്തുത ഖാതയുടെ പകർപ്പ്, ഈ ഓഫീസിലെ എ8-558/95 17.11.2006-ലെ കത്തിടമ്പാടൊപ്പം അടക്കം ചെയ്ത് അങ്ങേയ്ക്ക് നൽകി ഈ വിഷയം ധമാവിധി അങ്ങയുടെ ശ്രദ്ധയിൽ കൊണ്ടു വരുന്ന തിന് വിട്ടു വന്നത് മാപ്പാകണമെന്നും ഈ വിശദീകരണം സ്വീകരിക്കണമെന്നും അപേ ഷിക്കുന്നു. ടി ഉത്തരവുകളുടെ പകർപ്പ് ഇതോടൊപ്പം സമർപ്പിക്കുന്നു.

വിശ്വസ്ത വിഭാഗം,