

GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT

Rc.No.12212/96/L1,
Dated: 9-4-1996.

Office of the Prl.Chief Conservator of Forests,
Aranya Bhavan, A.P., Hyderabad.

Sri M.Kamal Naidu, I.F.S.,
Prl.Chief Conservator of forests.

CIRCULAR No.4/96

The officers noted in the address entry are informed that many of the appeal and Revision/Review Petitions are pending in the Principal Chief Conservator of Forests' office for years together for want of information/reports and the connected records from Conservators of Forests. Same is the case where final orders have been passed and issued by Prl.Chief Conservator of Forests for want of simple acknowledgements of records returned to them and also for want of served copies duly acknowledged by the charged officers. The Prl.Chief Conservator of Forests reviewed the position of all such cases and observed that the pendency is due to the following.

1. Delay in submission of the remarks from the Conservators of Forests on the appeal/revision petitions and also the connected case records.
2. For want of information whether the appeal/revision/reviewed petition is within the stipulated time as per CCA Rules; if delayed, specific reasons for such delays which is essential to take a decision to entertain the same or otherwise.
3. Non-submission of the original petition which is already referred to Conservator of Forests in N.Dis. and the service particulars of the Representationist.
4. Non-submission of specific remarks by the Conservators of Forests on the reports made by the Divisional Forest Officers.
5. Delay in submission of acknowledgements of the proceedings of Prl.Chief Conservator of Forests and connected records and also the served copies of the proceedings.
6. For want of information on the punishments inflicted on other subordinate staff involved in the same case and the details of appeals preferred by them and their final results.
7. Information on the dates of retirement of the Charged Officers and also not numbering the page numbers in the current files.

To obviate these hurdles and to reduce pendency in this office, the following instructions are issued:

- a) The Officers have to ensure that the petitions referred to the Appellate/Revision Authority contain all the documents in support of their argument against the punishment inflicted.
- b) The Conservators of Forests should ensure that once an appeal/review petition is received by them, they are required to submit the petitions to the competent authority alongwith their remarks and the connected records without waiting for reminder from the Prl.Chief Conservator of Forests' office to avoid delays.
- c) Whenever a staff member is transferred to the control of another disciplinary authority's jurisdiction, the disciplinary cases pending against such staff member have to be invariably transferred to the disciplinary authority under who the staff member is working; as per Rule 16 of CCA Rules. Instances have come to the notice of Prl. Chief Conservator of Forests that the punishments have been inflicted by the officers even though that particular staff member is working under a different disciplinary

transferring the appellate power to the Prl. Chief Conservator of Forests which results in increasing the work load at Head Office level. This should be strictly avoided as laid down in Rule 19 of CCA Rules.

e) Whenever it is intended to impose a major penalty the Rule 20 of CCA Rules prescribes that it is obligatory on the part of disciplinary authority to communicate the findings of the Enquiry Officer to provide them with another opportunity to submit their further explanation, if any, before finalising disciplinary case. This may be adhered to strictly. As per Rule 25 and sub-Rule (3) of Rule 40 and 43 of CCA Rules, the appeal/revision petitions have to be preferred within a period of three months from the date of receipt of the orders appealed against. If the petitions are received belatedly, the reasons for such delay should be furnished invariably while submitting the remarks and records.

f) As already stated the acknowledgements of the proceedings with the connected records of cases and the duplicate copies of the proceedings served on the individuals where the appeals are disposed off by the Prl. Chief Conservator of Forests/Government should be submitted within 30 days of the receipt of the said orders. If the above references are not received by the above time, the files will be closed in Prl. Chief Conservator of Forests office without any further notice, on the responsibility of the concerned Conservators of Forests.

COURT CASES: A number of Court cases where action is due from the Conservators of Forests/Divisional Forest Officers and where instructions were already issued to deal with such cases are pending in this office for want of stage of individual cases and also their final disposal. Since there is no appraisal of those cases all these files are pending in this office. In view of this it is decided to close all the Court cases once they are referred to sub-offices to be dealt with at their level and it would be the responsibility of the Sub-Officers to pursue these court cases till they are finally disposed off by the courts.

The attention of the Conservators of Forests is also invited to the proceedings of the Apex/Court dated 11-7-1995 communicated in this office Ref.No.54263/95/K1, dated 4-12-1995. They are advised to bring the contents of the said orders to the notice of Hon'ble Tribunal where the punishments inflicted by them are challenged in the Tribunal. This would reduce the unavoidable correspondence.

The Conservators of Forests are requested to acknowledge the receipt of these circular instructions by return of post. They are also requested to bring these instructions to the notice of all officers, working under their control obtained their acknowledgements and file the same in their offices.

To
All Conservators of Forests.

Sd/- M.Kamal Naidu,
Prl. Chief Conservator of Forests

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(d) Instances have come to the notice of CC who are the appellate authorities in respect of Subordinate staff upto Forest Level and acting as Disc. authorities. Due to such action on their staff part, they lose the appellate power of