

GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT

Rc.No.38672/98/P2,
Dated: 24-9-1998.

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

Sri S.D.Mukherji, I.F.S.,
Prl.Chief Conservator of forests.

CIRCULAR No.19/98

Sub:- Recommendations on PAC – Regarding disposal of misappropriation cases – Suggestion of P.A.C. in third report – to implement – Orders – Regarding.

Ref:- Prl.CCF.AP.Hyd. Rc.No.33777/98/P2, dated 10-8-1998 (Circular No.15/98).

While communicating the suggestions and recommendations of committee on Public Accounts in respect of the disposal of the misappropriation cases, the officers in the address entry were requested to bestow personal attention and dispose them on priority basis duly complying with CCA Rules to avoid adverse comments in the P.A.C. meeting vide this office Ref.(1) cited.

In continuation of the above, some of the observations made by the P.A.C. for the 10th Legislative Assembly for the year 1988-89 in respect of disposal of misappropriation cases are as follows:

1. The committee observed that tendency to prolong the enquiry will only result in loss of evidence and consequential escapement of delinquent officer from punishment and therefor suggested that, the Departmental enquiry should be completed within a time bound programme as per rules in vogue, and not exceeding 2 years maximum for the enquiry officers to complete the enquiry and to submit their reports to the Government.
2. The committee suggested to conduct periodical reconciliations and conduction of internal audit.
3. The committee recommended that only officer with sufficient service (above 2 years) and not the officials whose date of retirement is fast approaching, should be appointed as Enquiry Officer to curb the tendency of delaying the enquiry.

However the recommendations of P.A.C. communicated through Environment, Forests, Science and Technology Department D.O.Lr.No.6108/S&D/98-1, dated 28-8-1998 are communicated herewith for information and guidance.

They are requested to adhere to the observations and suggestions of P.A.C. and see that the misappropriation cases are disposed of expeditiously with giving room for comments by the P.A.C.

The receipt may be acknowledged.

Sd/- S.D.Mukherji,
Prl.Chief Conservator of Forests

To
All the Officers of distribution list 'A'

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Extracts of recommendations made by the Public Accounts Committee for the 10th Legislative Assembly for the year 1988-89.

3.5.1(i). Case No.4 Year 1976-77 – Office of the Divisional Forest Officer, Eluru.

Amount involved Rs.1,56,000 (as reported to the Accountant General Officer).

Sri K.Subrahmanyam, Range Officer, Eluru misappropriated Rs.1,55,556 by way of charging for works (Bamboo plantations) which were not executed.

(ii) In reply to a question whether enquiry had been completed against the delinquent Range officer retired in the year 1983), the Chief Conservator of Forests stated that enquiry was completed in the year 1992 (after a delay of nearly nine years since the date of retirement).

(iii) In its explanatory notes, the Department stated that action was dropped against the Range Officer in August 1992 as it was established in the Departmental enquiry that the Forest Range Officer had not misappropriated any amount. It was further stated in the notes that as the audit felt that write-off orders are required for the misappropriated amount, proposals were sent to Govt. in Prl.CCF's reference No.72947/83-K1, dt.17-11-1994 and the proposals are under process in Government.

(iv) During oral evidence, in response to the committee observation that an enquiry should be completed within a maximum period of two years the Principal Secretary to Government stated that reluctance of the enquiry officers to complete this unpleasant task and transfers of the officials appointed as enquiry officers would generally result in delay.

(v) After having examined the Departmental notes and the oral evidence of the officials, the committee has come to the conclusion that tendency to prolong the enquiry will only result in loss of evidence and consequential escapement of delinquent official from punishment.

(vi) In this context, the committee invites attention to Para 1.10 of the Special Report of the Public Accounts Committee (VII Legislative Assembly) on 'Misappropriations, losses etc.' presented to Legislature in April, 1984 (6-4-1984) wherein it was, inter alia, suggested (Vide recommendation No.7) that the departmental enquiry should be completed within a time-bound programme as prescribed in the various rules of the Government.

(vii) The committee reiterate the above recommendation and strongly recommend that Government should determine a time schedule (not exceeding 2 years maximum) for the enquiry and submit their reports to Government.

(viii) The committee further suggests that in order to motivate the enquiry officers to complete their enquiry/investigation early within the specified time limit, Government may examine the payment of honorarium to the enquiry officer.

(ix) Further, the committee reiterates the observations/recommendations regarding delay in launching prosecutions, deputing another officer to give evidence in Court in the case of the delinquent official who lost mental calibre in recollecting events etc., on this case earlier contained in Para No.1.6, 1.7 and 1.8 of the 22nd Report of PAC, IX L.A. presented to the Legislature in March 1994 (29-3-94) and desires that suitable steps may be taken in this regard also.

(II) Case No.5 year 1978-78.

Office of the Divisional Forest Officer, Kothagudem. Amount involved Rs.2,27,052/-.

(ii) The committee learnt from the Department's explanatory notes that the Conservator of forests, Khammam who was appointed as Enquiry Officer in November, 1983 submitted his findings in June, 1992 after a delay of nearly 9 years and while the enquiry was in progress, the delinquent official was allowed to retire on superannuation on 31st May, 1988. Consequently, on the findings of the enquiry Officer (details not given in the notes), a report was submitted to Government in September, 1992 and Government after a delay of nearly two years referred the case to the Secretary, A.P. Public Service Commission, Hyderabad and the replay from Service Commission is still awaited (December, 1995).

(iii) The Committee recommends to Government to re-examine whether such references (when once the enquiry officers finalised their findings after due investigations) are necessary to the Public Service Commission in those cases as unduly long time is being taken by the Service Commission in tendering their advise.

(iv) Further, the committee reiterates the other observations/recommendations on this case earlier contained in the 22nd report of the PAC, IX L.A. (1993-94) vide para Nos. 2.7, 2.8 and 2.9 regarding failure to conduct periodical reconciliations, non-conducting of internal audit and desires that compliance aspect of the above recommendations is to be watched.

(III) Case No.26 – Year 1988-89.

Office of the Divisional Forest Officer, Nellore Amount involved Rs.3,13,801.30.

(i) An amount of Rs.3,14 lakhs (3,13,801.30) was stated to have been misappropriated in the office of the Divisional Forest Officer, Nellore during the period from September, 1984 to August, 1988.

(ii) In the Department's notes, it was stated that Government appointed Sri N. Jayaram, IFS., the then Addl. Chief Conservator of Forests as Enquiry Officer in June, 1989 (vide G.O.Rt.No.466, EFES&T. Dept., dt.7-6-1989). He processed the enquiry upto the date of his retirement on superannuation on 31-10-1990.

(iii) Since the first Enquiry Officer retired Government appointed another enquiry officer viz., the Chief Conservator of Forests (P&ST) in March, 1991 (vide G.O.Rt.No.131, EFES&T, Dept., dt. - -1991) to continue the enquiry.

(iv) In this connection, the committee recommends that only officer with sufficient service (above 2 years) and not the officials whose date of retirement is past approaching, should be appointed as enquiry officer to curb the tendency of delaying the enquiry.

(v) The Second Enquiry Officer submitted his findings in February and April, 1992 of five delinquent officials.

(vi) In the case of Sri C.Rama Krishna Reddy, Asst. Conservator of Forests (Retired) (formerly Divisional Forest Officer, Nellore), 50% cut in pension was recommended besides recovery of the amount from DCRG and proposals were accordingly submitted to Government.

(vii) During oral evidence, to a query what was the punishment awarded to Sri C. Rama Krishna Reddy, the Chief Conservator of Forests deposed that 5% cut in the basic pension was awarded for a period of one year and Principal Secretary to Government stated that it was done as per the advice tendered by the A.P. Public Service Commission vide Lr.No.883/RT/94, dated 22-2-1995.

(viii) In this context, the committee finds inconsistency in the replies at page 50 of the explanatory notes, it was stated that A.P. Public Service Commission in their letter No.803/RT/1/94, dated 22-2-1995 tendered their advice saying that the commission agreed with the proposal of Government to impose a cut of 5% for a period of one year in the eligible basic pension of Sri C.Rama Krishna Reddy and advised to take action accordingly.

(ix) In view of the above the committee desires to know the reasons as to why Government proposed a lower cut of 5% in the pension (while seeking the advise of the Public Service Commission) though the enquiry officer recommended 50% cut in pension of the delinquent official.

(x) The committee is of opinion that when once the guilt of an official is proved beyond doubt, the findings/recommendations of the enquiry officers) should be strictly implemented by Government and indiscipline of financial matters should

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GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT

Rc.No.52183/98/WL-3, Office of the Prl.Chief Conservator
Dated: 13-12-1998. of Forests, A.P., Hyderabad.

Sri S.D.Mukherji, IFS.,
Prl.Chief Conservator of Forests.

Circular No.20/98.

Sub:- ISSUE of Ownership Certificate - Chief Wild
Life Warden is competent - As per Rule 36
of Wild Life (Protection) A.P.Rules 1974 -
Instruction Issued - Regarding.

Ref:- DFB.Kaghaznagar, Rc.No.5917/98/S-3,
Dated: 16-11-1998.

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The Divisional Forest Officer, Kaghaznagar has
submitted that he has issued a Birth Certificate to the newly
born (2) Leopard cubs to the Royal Circus in the capacity of
Wildlife Warden under section 44 of Wild Life Act, 1972.

In this regard, it is informed that as per rule 36 of
the Wildlife (Protection) A.P.Rules 1974, the Chief Wild Life
Warden alone is competent to issue the Ownership Certificate
for lawful possession of any animal/animal article, Trophy
etc.,

In view of the above it is informed not to issue the
Birth Certificate/Ownership Certificates for the Wild animal,
Animal article or trophy and to refer those matter to the
Chief Wildlife Warden for taking necessary action as per
the Provisions of Wild Life (Protection) Act., 1972 and Wild
Life (Protection) A.P.Rules 1974.

Sd/-T.Ramakrishna,
for Prl.Chief Conservator of Forests.

To

All the Conservators of Forests/Divisional Forest Officers
(Territorial).

All the Conservators of Forests/Divisional Forest Officers
(Wild Life).

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