

FOURTEENTH KERALA LEGISLATIVE ASSEMBLY

**COMMITTEE
ON
PUBLIC ACCOUNTS
(2016-2019)**

TWENTIETH REPORT
(Presented on 22nd March, 2018)



**SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM**

2018

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TWENTIETH REPORT

On

**• Action Taken by Government on the Recommendations
contained in the 7th Report of the Committee on
Public Accounts (1996-1998)**

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(2016-2019)**

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Shri V. K. Babu Prakash, Secretary

Smt. S. Shahina, Joint Secretary

Shri P. P. Shahnawas, Deputy Secretary.

INTRODUCTION

I, the Chairman, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf present the 20th Report on Action Taken by Government on the Recommendations contained in the 7th Report of the Committee on Public Accounts (1996-1998).

The Committee considered and finalised this Report at the meeting held on 19th March, 2018.

Thiruvananthapuram,
19th March, 2018.

V. D. SATHEESAN,
Chairman,
Committee on Public Accounts.

REPORT

This Report deals with the Action Taken by the Government on the recommendations contained in the 7th Report of the Committee on Public Accounts (1996-1998).

The 7th Report of the Committee on Public Accounts (1996-1998) was presented to the House on 19th March, 1997. The Report contained 18 recommendations relating to Forest and Wild Life Department. The Government was addressed on 9-4-1997 to furnish the statements of action taken on the recommendations contained in the Report and final reply was received on 5-8-2014.

The Committee examined the Statements of Action Taken at its meetings held on 7-8-2002, 13-8-2002, 5-5-2010 and 6-1-2016.

The Committee decided not to pursue further action on the recommendations in the light of the replies furnished by the Government. These Recommendations and replies are incorporated in the Report.

FOREST AND WILD LIFE DEPARTMENT

Recommendation

(Sl. No.1, Para No. 13)

The Committee are of the view that the prime duty of the Forest & Wild Life Department of preserving Wild Life and Forest Resources had been neglected by the department over the years, and no earnest efforts had been taken to prevent the depletion of Forest Resources of our State. This could be inferred from the low percentage of the funds allocated for Wild Life preservations bears to total funds of the department, ranging from 4.5% to 14.8%. The amount earmarked for preservation of Wild Life during 1986-87 to 1992-93 was far less compared to the quantum of 15% of the total provision for the department as recommended by the IBWL (Indian Board of Wildlife).

Action Taken

The total forest area of the State is 10336 sq.km. Forest Survey of India Report (1995) states that there has been no change in the total extent of forest cover. The change has been only between the forest cover classes in which 34 Sq.km. of open forests has changed to dense forest due to density improvement in Idukki, Quilon districts in Survey of India map sheet No. 58 G/3.

For rehabilitation of degraded forest areas, activities involving local people through Participatory Forest Management and Eco Development Programmes are also being undertaken.

To improve the habitats of wild animals and for special protection and conservation of endangered flora, fauna and ecosystems, special habitat management programmes within and outside the Protected Areas are also taken up under the World Bank aided Kerala Forestry Project. 23 special programmes were taken up during 1998-99 and 24 programmes have been initiated during 1999-2000.

The inference of low percentage of allocation of funds in the Wild Life Sector is not true, as could be seen from the Budgeted outlay and allotment for Wild Life under Plan Schemes for the period from 1986-87 to 1997-98. The allocation for Wild Life is made under 100% State Sector Scheme, 100% Centrally Sponsored Schemes and under 50% Centrally Sponsored Schemes. Eventhough under centrally sponsored schemes, allocation in the State Budget is provided, the actual Central Assistance would normally be less than what has been provided in the State Budget.

Recommendation

(Sl. No.2, Para No. 14)

The Committee therefore recommend that the amount earmarked for preservation of Wild Life should be spent exclusively for the intended purpose.

Action Taken

Under Wildlife Preservation, the funds include the State Budget under 100% State Sector Schemes. 100% Centrally Sponsored Schemes and 50% Centrally Sponsored Schemes are being utilised for the items approved in the Annual Plan of Operation (APO) by the Chief Conservator of Forests (Wild Life) and the Government of India. The Central Assistance is released under specific items of work. Therefore, the funds are exclusively utilised for the items provided in the respective APOs.

Recommendation

(Sl. No.3, Para No. 15)

The Committee note with serious concern that the Management Plan has been formulated without gathering data and research findings. The Department has discarded the basic principles of gathering of data and research findings, intended to form the basic for developmental activities stipulated in the Management Plan.

Action Taken

Management Plans are drawn up for each of the Protected Areas (PAs) in the State, evaluating the ecological status and identifying various site specific developmental activities. The primary objective of a Management Plan is to ensure continuity of the management functions. Needless to point out that basic scientific data are needed to frame policies and action to be incorporated in the Plans. The Protected Areas (PAs) in the State were formed carving out the Reserved Forests from the Territorial Divisions. All the Territorial Divisions in the State do have working Plans prepared by the Working Plans Officers after gathering scientific data for a period of two to three years.

Since 1991-92, Wild Life Wing of the Department has sanctioned 81 research projects of which 51 have been completed and final report received. The recommendations for management of the study areas are incorporated in the management action plans of PAs. In Periyar Tiger Reserve, (PTR) there is a post of Research Officer and under his guidance, research studies have been carried out exclusively for PTR. Regarding management planning, there is specific provision

and fund allocation for field surveys, collection and analysis of data etc. for each PA under Kerala Forestry Project. Updating management plans for 13 PA's except PTR is done under KFP. For PTR, the same is done under GEF India Eco development Project.

Recommendation

(Sl. No. 4, Para No. 16)

The Committee opine that the department should have a separate Research and Monitoring Wing consisting of trained personnel so that adequate data and research findings could be gathered well in advance before the formulation of the Managing Plans.

Action Taken

The recommendations of the Committee to have a separate Research and Monitoring Wing consisting of trained personnel so that adequate data and research findings could be gathered well in advance before the formulation of the Management Plan is worth considering. The Department has already got Working Plan and Research Circle under a Conservator of Forests and a Silvicultural Research Officer having jurisdiction over the entire state. This unit is undertaking Silvicultural Research activities and revising the Working Plans, a document similar to Management Plan for the Territorial Forest Divisions. The research thrust areas for PA management have been identified. Wildlife research is undertaken in the Department with the scientific expertise of institution like KFRI, TBGRI, CESS, SAWWT, University of Kerala, Kerala Agricultural University and other Non Governmental Institutions. It is also proposed to reconstitute the Research Advisory Committee for the entire department and constitute a separate Research and Co-ordination wing to liaise better with research organizations and co-ordinate the studies carried out by various agencies in the field of Wildlife conservation and management.

Recommendation

(Sl. No. 5, Para No. 17 & Sl No. 6, Para No. 18)

The Committee find no justification for not setting up District Committees which are meant to provide firm institutional back up to the wildlife sanctuaries and National Parks. No valid reasons has been adduced for not setting of District Forest Committees. The Committee are inclined to believe that the Government has not felt the importance of such a body and has taken the issue in the lighter veins. It is quite evident from the reply of the Chief Conservator of Forests that despite the non setting up of District Forest Committees the State Wildlife Board has been functioning effectively.

The Committee therefore urge the Department to constitute the District Forest Committees immediately to provide institutional back up for the Wildlife Sanctuaries and National Parks.

Action Taken

As per the Wildlife (Protection) Act, 1972 there is a provision to constitute the State Wildlife Advisory Board (SWAB) vide Section 6 (1).

The State Wildlife Advisory Board (SWAB) is the Apex Statutory Body to oversee policies, and activities concerning wildlife conservation in the state. Similarly there is provision under Section 4 (bb) to appoint Honorary Wildlife Wardens to each District. The State Wildlife Advisory Board (SWAB) has already been constituted by Government, and Honorary Wildlife Warden duely appointed vide G.O. (Ms.) No. 65/97/F & WLD dated 23-8-1997.

The Wildlife Advisory Board has been meeting regularly and advising Government on various issues relating to wildlife conservation.

The Management of the Protected Areas is being undertaken as per the provisions of the Wildlife Management Plans drawn up and approved by the State and Central Governments. The State Government vide G.O. (Rt.) No. 410/1996/F & WLD dated 26-11-1996 has issued enabling orders to practice Eco development Project for Biodiversity Conservation through peoples' participation.

Such being the position the Government is of the view that the suggestion to constitute separate District Forest Committees to provide institutional back up for the Wildlife Sanctuaries and National Parks need not be reconsidered.

Recommendation

(Sl. No. 7, Para No. 19)

The Committee noticed inordinate delay in demarcation of boundaries of Wildlife Sanctuaries and National Parks. The progress of boundary demarcation was at snail's pace even when there were funds specifically provided in the budget for this purpose. The Committee are surprised to find that eventhough the preliminary notification was issued to demarcate the boundary of Parambikulam Wildlife Sanctuary as early as in 1962, the department could not complete the demarcation so far. The Joint Committee consisting of officials from Survey, Revenue and Forest Department. Set up to expedite the demarcation process has never met for the last seven years. The Committee could only view this as gross negligence on the part of the Survey, Revenue and Forest Department.

Action Taken

The Protected Areas of the State were constituted by carving out natural forests having high biological values. These Reserve Forests were part of Territorial Ranges and Divisions. There had been Beat boundaries, Section Boundaries, Range and Division Boundaries duly notified in the Gazette. These boundaries were demarcated by natural features like the water shed line, rivers, streams, roads, and bridle paths. There is no need to demarcate the Beat/Section/Range and Division Boundaries passing through Forest areas. The demarcation is essentially necessitated when the boundary is separating the Reserve Forests and private lands, fringe areas, habitations, tribal settlements and forests areas being utilized for non forestry purposes, boundary separating habitation, encroachments and fringe areas was given top priority and such boundary was demarcated by erecting permanent cairns, boundary walls and kayyalas. Initially problematic boundary and areas with threat of encroachment were tackled giving top priority. Over 80% of the external boundary bordering habitation have already been demarcated. Demarcation in the interior and inaccessible locations alone are left out.

The demarcation process was also delayed due to the delay caused in completing the joint verification along with the Revenue Department officials. The survey in respect of the area demarcated is also delayed due to dearth of survey staff. However efforts are being made to complete the survey demarcation of the forest boundary on a phased manner. The Inter-State boundary along the forest areas is already demarcated and annual Joint verification boundary is of regularly done with the officers of the bordering state.

Recommendation

(Sl. No. 8, Para No. 20)

The Committee therefore recommend that steps should be initiated to speed up the boundary consolidation in the context of increased unauthorised occupation and human settlements within the Wildlife Sanctuaries & National Parks.

Action Taken

There is no threat of unauthorised occupation now in the Wildlife Sanctuaries and National Parks. The human settlements inside the Protected Areas are already demarcated. The details regarding the boundary consolidation completed in the various Wildlife Sanctuaries observed in PAC areas are as follows:

Wayanad Wildlife Sanctuary:-

The PAC observed 350 km. boundary demarcation which includes the boundary of Aralam WLS now under a separate Wild Life Divisions viz Aralam. The total length of boundary Wayanad WLS is 311 km. out of which boundary demarcation has been completed for 176.74 (out of this 15 km. done recently) and the balance to be demarcated is 134.26 km. There is a proposal to demarcate 10 km. boundary during this period.

Peppara WLS:-

Out of the total length of the boundary of 89 km., demarcation have been completed for 23km. and balance is 66 km. The boundary of private estate and Peppara WLS was demarcated and refixed by the Forest Mini Survey in 1994-1995.

Parambikulam WLS:-

The total length of forest boundary is 153.50 km. out of which 25.6 km. is inter state boundary with Tamil Nadu. All the boundary, is reported, have been consolidated.

Periyar Tiger Reserve:

The total length of the boundary to be consolidated is 210.5 km., out of which 90 km. is inter-state boundary. A total length 206.5 km. has been consolidated so far and the balance of 4 km. only remained to be consolidated.

Aralam WLS

The entire forest area notified to constitute the Aralam WLS was taken over by Sanctuary authority and now being managed under a separate wildlife division. Out of 52.5 km. of total boundary, 12.5 km. of inter state boundary has already been demarcated. Balance to be demarcated.

Silent Valley N.P.

There is no encroachment or settlement within or on the periphery of the sanctuary. Hence a further demarcation is not found necessary. The entire area of the National Park is declared Core Area of Nilgiri Biosphere Reserve. The 240 Ha. mentioned in the Audit Para is a private estate namely, "K.P. Estate" which is 3 km. away from the boundary of the National Park and is in the Mannarkad Forest Division.

Neyyar WLS & Peppara Wildlife Sanctuary

10 Ha. of private enclosure at Mayam in Neyyar Wildlife Sanctuary and 240 Ha. of land in K.P. Estate were not acquired for want of funds.

Recommendation

(Sl. No. 9, Para No. 21)

The Committee observe that acquisition of private land proposed to be attached to the Wildlife Sanctuaries and National Parks as envisaged in the Management Plans has not taken place so far. The reason attributed by the

Department for this was dearth of sufficient funds. The Committee recommend that a comprehensive plan should be submitted before the State and Central Government to seek financial assistance exclusive for acquisition of private lands.

Action Taken

As observed by the Committee, non-availability of the required funds is the major constraint against acquisition of private land. There was proposal to acquire isolated private woodlands, vested forests restored to the owners and areas proposed for the establishment of Elephant corridors and areas proposed for relocation of the Forest settlements. This requires huge amount and can be arranged through the District Collectors in a phased manner subject to availability of funds.

Recommendation

(Sl. No. 10, Para No. 22)

The functioning of the Wireless Network in the Wildlife Sanctuaries and National Parks are far from satisfactory. The Department has not made use of it as an effective means of communication for protection against biotic interference. Gradual increase in the number of forest offences during the last decade clearly shows the inefficiency of the communication network. The Committee are of opinion that in areas having heavy incidence of forest offences, steps should be initiated to strengthen the existing wireless network and new wireless stations should also be set up wherever found necessary.

Action Taken

Installation of wireless sets in the Department was started in the year 1982 under Project Tiger. The operation of the Wireless sets was confined to Periyar Tiger Reserve linking with the Field Director's Office at Kottayam and with the Headquarters in Thiruvananthapuram till 1985. Thereafter, the Government of India used to release funds for the procurement of Wireless sets and installation in phases within the Protected Areas only. After 1988, Territorial Divisions were also brought under wireless connections. Over these years, the technology in radiotelephony has improved and new generation wireless sets were available

in the market. The old sets installed in Periyar Tiger Reserve became obsolete and replacement of old sets were also necessitated. Initially the field staff was given training in the operation of wireless sets. When more sets were added in the Department, Ex-service men, local tribals and educated unemployed youths were engaged on daily wage basis. A detailed scheme for net working the wireless was drawn up in the Department and consequently more number of frequency was got allocated from the Wireless Advisor New Delhi. Seven automatic repeated stations were also installed. In order to establish a separate hotline with strategic stations, high frequency High Power sets are also procured from 1995 onwards. The total number of sets purchased till last year are 393 which includes 299 walkie talkies and rest are stationary sets or mobile sets on vehicle.

Recommendation

(Sl. No. 11, Para No.23)

The Committee feel that the lack of sufficient regular staff and other infrastructural facilities have adversely affected this smooth functioning of the wireless network. The Committee therefore recommend that effective measures should be initiated to streamline the wireless network and regular staff should be provided for the maintenance of wireless network, so that ample protection could be given to the Forests and Wildlife.

Action Taken

There are 96 number of VHF Fixed Stations, 42 number of Mobile Stations and 123 number of hand held sets in the Department. There are seven high frequency sets being utilised now. For the installation operation, servicing and maintenance, technical guidance was obtained from M/s KELTRON Ltd., Thiruvananthapuram, M/s Women's Development Corporation, Thiruvananthapuram and Lal Bahadur Shastri Centre for Science and Technology, Thiruvanthapuram.

Posting of regular staff to streamline the wireless network is under the active consideration of Government.

Recommendation

(Sl. No. 12, Para No. 24)

On a close scrutiny of details of Forest Offences, in many cases the amount compounded was found to be nominal. Considering the incidence of poaching and large scale deforestation, the persons involved in such offences should be given the most deterrent punishment.

Action Taken

Action has already been taken to amend the Forest Act & Rules to give more deterrent punishment for forest offences.

A comprehensive proposal for the amendment of the Kerala Forest Act is under the active consideration of Government.

Recommendation

(Sl. No. 13, Para No. 25)

The Committee expresses dissatisfaction over the general decline in the animal population. The Committee observed that census figures failed to project the impact of conservation programme on Wildlife preservation.

Action Taken

The Wildlife Census is on operation to know the abundance of wild animals in relation to the unit area. The increase or decline of a particular animal species does not indicate any viable, healthy population. The objective of Wildlife conservation is to ensure a healthy environment for the wildlife. The tiger being at the apex of the biological pyramid is an indication of a healthy environment. For the sustenance of the Tiger, there should be a sound prey base and the prey animals should have adequate forage species and favorable ecological support. Thus the impact of conservation programme cannot be observed by the numerical figures of Wildlife census.

Recommendation

(Sl. No. 14, Para No.26)

The Committee differ with the argument of the department that the animal census is affected by factors such as sampling, methodology, season of census migration of animals to contiguous areas and skill of the census personnel etc. as a steep decline could be noticed in certain species of animals such as spotted Deer, Leopard, Tiger etc. The Committee also disagree with the claim of the Department that the latest census figures indicate a healthy growth of the population of Wildlife in the State inspite of the gruesome killing of tuskers by poachers in different forest ranges of our State.

Action Taken

The factors explained are those inhibiting the Wildlife census as total count of larger mammals are not possible. The computation of figures are based on indirect evidences gathered during field work. The technology for wildlife census differ from animal to animals and the same is being updated. The observation that the gruesome killing of tuskers would entail physical annihilation. The natality and mortality of Wild animals do happen in the wild. The population of Elephant as could be disclosed from Wildlife Census is on the increase by looking at the density, sex ratio and the mortality rate. There are problems of habitat degradation, habitat fragmentation, human pressure for forest resources and widening non animal conflict. The Wildlife conservation measures can be strengthened by sorting out the above factor. In order to prevent elephant poaching and poaching of larger mammals, flying squad units are pressed into service in vulnerable areas. During 1993 and 1997, Kerala Forest Research Institute, Peechi, was identified as the nodal agency for conduct of wildlife census and the census was conducted with the scientific and technical expertise of KFRI. As in 1993, methods like Block counting, Line transact (direct sighting & indirect evidences) and evidences of pug mark count for Tiger census were adopted during 1997. The data collected was analysed by KFRI at division level and have indicated a healthy growth trend in most of the species. The estimated number of tiger during 1993 was 76 and that

of during 1997 was 73 excluding Agasthyamalai region where counting could not be done due to adverse climatic conditions. In the case of spotted deer, the estimated number of during 1993 was 6259 and that of during 1997 was 14882.

Recommendation

(Sl. No. 15, Para No. 27)

The Committee opined that the implementation of the Scheme Project Tiger is not satisfactory. No progress could be achieved in the development of infrastructure, boundary consolidation and extension of ecological boundaries due to pendency of the cases regarding the acquisition of private estates.

Action Taken

The implementation of Project Tiger Scheme is being closely monitored by the Directorate of project Tiger New Delhi. The investment under this scheme is being made by Government of India under the approved Annual Plan of Operations. The achievement in physical and financial terms of the scheme are being evaluated annually before raising funds for the next year. Annual reports are also finalised and approved by the Government of India. The Steering Committee of Project Tiger is also evaluating the project implementation directly.

Recommendation

(Sl. No. 16, Para No.28)

The Committee therefore recommends that the steps should be initiated to speed up the process of creating a buffer zone surrounding the core area by acquiring the private lands.

Action Taken

In Periyar Tiger Reserve, the core area is located beyond Mullakkudy upto the State boundary. No private estate is available for acquisition to create a buffer zone surrounding the core area. The only private estate-Down Town Estate- is located at the fringe of the buffer zone. The estate need to be acquired and efforts were made in the past to acquire this estate under State Sector Schemes. But this could not materialise for want of required funds.

Recommendation

(Sl. No. 17, Para No. 29)

The Committee also recommends that decision should be taken by the Government to shift the hotel run by KTDC, in the Periyar Tiger Reserve to a place outside the Sanctuary.

Action Taken

The lease of KTDC Hotel was sanctioned as per GO. No. 263/76/AD. Dated 30-7-1976 for a period of 20 years. On expiry of the lease period by 6-8-1996 the Wildlife Preservation Officer, Thekkady in letter No. 686/72 dated 20-1-1997 had directed the Managing Director, KTDC to surrender the lease hold. Under the above circumstances, a meeting was held on 19-3-1997 by the Hon. Minister for Forests and it was decided in the meeting that pending receipt of approval from Government of India, KTDC will be permitted to continue their operation in the same manner as at present.

On the basis of the request from the KTDC for the extension of lease period, the matter was taken up the Government with the Chief Conservator of Forests (General) South Zone, Bangalore for approval who in turn advised to obtain the consent from the Indian Board of Wildlife for the proposal of revival of lease period since the forest area involved forms part of the Wildlife Sanctuary. Accordingly, Government of Kerala in their letter No. 20587/C2/97/F&WLD dated 10-10-2000 have addressed to the Additional Inspector General of Forests (WL), MOEF, Government of India, Delhi to obtain and convey the consent of the Indian Board of Wildlife for the renewal of the lease Reply from Government of India is awaited.

Recommendation

(Sl. No. 18, Para No. 31)

However, the Committee would like to be intimated the outcome of the Vigilance enquiry in this regard.

Action Taken

Government had recommended the case to the Vigilance Department in Government to investigate the case regarding the failure of the Public Works Department to take up timely action for not providing the basic amenities in the residential quarters at Nenmara Division resulting in a loss of ₹ 53,140/-. But the Vigilance Department in turn advised to take the matter with Government in Public Works Department to arrange an enquiry on the irregularities.

Based on the request of the Chief Conservator of Forests, Thiruvananthapuram, the Chief Technical Examiner of the Finance (Inspection Wing) Department conducted an enquiry into the irregularities in the construction of Forest quarters at Nenmara by the erstwhile Forests Engineering Division. The Chief Technical Examiner had recommended the Government in Public Works Department to take appropriate action against the officers who had constructed the quarters and also to recover the excess amount from them. Shri O.M. Sunny, the then Executive Engineer, Shri. M. Vijayan, the then Assistant Executive Engineer, Shri. C.R. Rajan Babu and Shri. K. Padmanabha Iyer the then Assistant Engineers were identified as responsible for the above irregularity. Shri O.M. Sunny and Shri.K. Padmanabha Iyer expired in the mean time and the other two accused officers retired on superannuation. As per the recommendation of the Chief Technical Examiner, action was initiated against the two retired officers, Shri M. Vijayan and Shri. C.R. Rajan Babu. Government took a tentative decision to reduce their pension by ₹ 125 per month under Rule 59 (b) Part III KSR and also to recover the proportionate share of liability amounting ₹ 25,054 each from them by filing civil suit under Ruling 6 of Rule 116, Part III KSR. Accordingly show cause notice was served on them. The Chief Engineer after considering the statements furnished by the accused officers reported that the apprehensions raised by the accused officers regarding the issue of show cause notice after a gap of 18 years might be considered. He also recommended that the loss sustained to Government should be recovered from the accused officers and to review the decision to reduce pension of ₹ 125 per month.

Accordingly, Government in Public Works Department have examined the matter in detail, and the tentative decision taken to reduce the pension of

Shri M. Vijayan and Shri C. R. Rajan Babu were dropped as it was found not fair to make a reduction in pension after 18 years of retirement, on the ground that the service of employees were not satisfactory. It was also decided and ordered that the Chief Engineer will take immediate action to recover the loss sustained from the accused by filing civil suit under ruling 6 of Rule 116 KSR Part III and report compliance to Government in due course, vide GO (Rt.) 1041/09/PWD dated 13-7-2009 (copy enclosed) Appendix.

However the Public Works Department in Government could not file any civil suit in this regard due to the unavailability of records related to the case which are more than 30 years old.

Thiruvananthapuram,
19th March, 2018.

V. D. SATHEESAN,
Chairman,
Committee on Public Accounts.

APPENDIX



GOVERNMENT OF KERALA

Abstract

Public Works Department - Irregularities in the construction of Quarters in Nenmara for Forest Department by the erstwhile Forest Engineering Division - Departmental action initiated against the officers - Finalised - Orders issued.

PUBLIC WORKS (F) DEPARTMENT

G.O. (Rt) No.1041/09/PWD

Dated, Thiruvananthapuram, 13.7.2009.

- Read: 1. Letter No.56861/FIW-C2/97/Fin. Dated 21.1.1998 of Finance (Inspection-Technical Wing) Department.
2. Letter No.B4/18832/96 29.1.03 from the Chief Engineer (B&LW), Public works Department, Thiruvananthapuram.
3. Show cause notice No.10351/F2/96/PWD dated 6.11.2003 served on S/Shri. C.R.Rajan Babu, Assistant Engineer (Retd.) and M.Vijayan, Assistant Executive Engineer (Retd.).
4. Written statement of defence submitted by Shri. C.R.Rajan Babu dated 13.4.09 and Shri. M.Vijayan dated 11.4.2009.
5. Letter No.Vig.6-40742/03 dated 10.10.05 from the Chief Engineer (Admn.), Public works Department, Thiruvananthapuram.

ORDER

Based on the request of the Chief Conservator of Forest, Thiruvananthapuram the Chief Technical Examiner of the Finance (Inspection Wing) Department conducted an enquiry into the irregularities in the construction of Forest Quarters at Nenmara by the erstwhile Forest Engineering Division. During the enquiry the measurements recorded in the M.Book of the work were compared with the physical measurement and it was found that there were major variations. The quantities for which payments made were much more than what had actually been executed which caused over payment. There was leakage in all the buildings, during rainy seasons and hence the quarters were not fit enough for allotment. The Chief Technical Examiner as per his letter read as 1st paper above recommended Government to take appropriate action against the officers who had constructed the quarters and also to recover the excess amount from them.

2) The Chief Engineer (Buildings & Local Works), Public Works Department as per his letter read as 2nd paper above reported that the total loss sustained to Government on account of the above work was Rs.50,108/-. Shri. O.M.Sunny the then Executive Engineer, Shri. M.Vijayan the then Assistant Executive Engineer, Shri. C.R.Rajan Babu and

Shri. K. Padmanabha Iyer the then Assistant Engineers were identified as responsible for the above irregularity. Shri. O.M. Sunny and Shri. K. Padmanabha Iyer expired in the meantime and the other two accused officers retired on superannuation. As per the recommendation of the Chief Technical Examiner, action was initiated against the two retired officers. Finding that their service was not thoroughly satisfactory, Government took a tentative decision to reduce their pension by Rs. 125/- per month under Rule 59 (b) Part III KSR and also to recover the proportionate share of liability amounting to Rs. 25,054/- each from them by filing civil suit under Ruling 6 of Rule 116, Part III KSR. Accordingly show cause notice read as 3rd paper above was served on them.

3) Both the accused officers furnished their reply to show cause notice. In the reply to show cause notice, Shri. M. Vijayan stated that the show cause notice had no legal standing as it was served after 18 years from the date of occurrence. He further stated that the major item of loss was on Teak wood shutters and the Teak wood supplied was partially burnt. As the quarters were constructed by Forest Department itself he argued that it was not proper to say that PWD had not handed over the quarters in time. According to him there were no major variations in measurements when check measured by the Assistant Executive Engineer, Public Works Department.

4) Shri. C.R. Rajan Babu in his reply to show cause notice also stated that the show cause notice was issued to him, after 18 years of its occurrence and hence not maintainable. He further stated that he was involved in the work only at the initial stage for two or three months and during the time of earth work excavation stepping method was adopted intermittently for foundation. He pointed out that this might be the reason for minor variation found by the technical officer. He further requested not to recover the amount proposed to be effected from him as he is a diabetic and heart patient and the pension received was not sufficient to meet the day to day expenditure including cost of medicine and treatment.

5) S/Shri. M. Vijayan and C.R. Rajan Babu had been requested to attend a personal hearing on 18.4.2009 before the Deputy Secretary to Government, Public Works Department. But the incumbents did not turn up for hearing and furnished a statement in this regard with a request to excuse their inability to attend the hearing due to personal reasons. Shri. M. Vijayan, in his statement stated that the fictitious charges were made by Forest Guards due to their reluctance to occupy the quarters fearing loss of benefits like HRA, TA etc. and also due to lack of water supply and power supply. The quarters remained unoccupied for more than a decade and the findings of Chief Technical Examiner after a lapse of 18 years after the construction was unacceptable. The main item of loss mentioned was on wood amounting to Rs. 15,875/-.

6) The Chief Engineer as per his letter read as 6th paper above reported that the apprehensions raised by the accused officers regarding the issue of show cause notice after a gap of 18 years might be considered. He also recommended that the loss sustained to Government should be recovered from the accused officer and to review the decision to reduce pension of Rs. 125/- per month.

7) Government have examined the matter in detail. As it is not fair to make a reduction in pension after 18 years of retirement on the ground that the service of employees were not satisfactory, the tentative decision taken to reduce the pension of Shri. M. Vijayan and Shri. C.R.Rajan Babu are hereby dropped. However, the Chief Engineer (Admn.) shall take immediate action to recover the loss sustained from the accused by filing Civil Suit under ruling 6 of Rule 116, KSR Part III and report compliance to Government in due course.

(By Order of the Governor).

N.SUDRARSANAN PILLAI,
Additional Secretary to Government

To

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The Accountant General (A&E)(Audit), Kerala, Thiruvananthapuram.
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