

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Writ Petition No.24334 of 2013
Decided on : 05.12.2017**

Raghubir Singh

... Petitioner

Versus

The State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Akshay Jindal, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The petitioner challenges the order dated 26.04.2013 (Annexure P-1) passed by the Divisional Forest Officer, Kaithal whereby recovery of ₹89,809/- for 43 trees has been directed.

The reasoning given by the said officer to impose the said recovery, in spite of the specific replies filed by the petitioner, was only on account of the fact that the petitioner did not come forth in the Divisional Office and, therefore, it was presumed that he had admitted his guilt.

It is not disputed that in pursuance of the show cause notices dated 04.09.2007 and 01.05.2008 regarding shortage of trees in Ajimgarh Beat, the petitioner has filed necessary response dated 17.01.2013 and 26.03.2013, which have now been placed on record as Annexures R-3 and R-4, respectively.

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The factum of said replies had to be noticed before passing of the impugned order, wherein it has been noticed that charge has been handed over to the Forest Guard. The said explanation has not been countered while passing the impugned order, which thus, falls within the ambit of a non-speaking order. Merely because the petitioner was not present to explain, the impugned order was passed. It is settled principle that a order effecting civil consequences of a party should contain valid reasons by considering the defence.

Resultantly, the present writ petition is allowed and order dated 26.04.2013 (Annexure P-1) is quashed with the liberty to the respondents as such to pass a fresh order after calling upon the petitioner. The petitioner shall also be present to put forth his explanation.

DECEMBER 05, 2017

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No