

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 554 of 2019**

S.P. Dubey S/o Late Shri Ram Krishna Dubey Aged About 62 Years R/o- Near Bhagwa Mandir, Daihanpara, Vivekanand Marg, Old Sarkanda, Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Department Of Forest, Mahanadi Bhawan, Post Office Mantralaya, P.S. Rakhi, Naya- Raipur, District- Raipur, Chhattisgarh.
2. The Principle Chief Conservator Of Forest Aranya Bhawan, Sector-19, Atal Nagar, District- Raipur, Chhattisgarh.
3. The Chief Conservator Of Forest Circle- Bilaspur, Bhakt Kwar Ram Gate, Sindhi Colony, District- Bilaspur, Chhattisgarh.
4. The Division Forest Officer Mungeli, Majhgaonpara Mungeli, District- Mungeli, Chhattisgarh.
5. The Divisional Forest Officer Division Bilaspur, Bhakt Kwar Ram Gate, Sindhi Colony, District- Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Vipin Tiwari, Advocate.
For State	:	Shri Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/01/2019**

1. The challenge in the present writ petition is to the order dated 12.12.2018 (Annexure P/1). The whole issue revolves around the allegation of shortfall in the forest produce at the place where the petitioner was working as a Range Officer.
2. The Respondent-Divisional Forest Officer (DFO) at the first instance passed two orders dated 22.12.2014 and 10.01.2015 whereby the total amount of recovery to be made against the petitioner was assessed at Rs. 1,56,338/-. The petitioner immediately preferred an

appeal to the Chief Conservator of Forest (CCF) who in turn vide its order dated 28.04.2018 (Annexure P/10) reached to the conclusion that the order of the DFO was in excess of his power and jurisdiction and therefore the same was set aside/quashed. The CCF on the same day further instructed the DFO (vide Annexure P/11) to immediately send proposal to the concerned authority in respect of the loss suffered by the department on account of the inaction on the part of the petitioner.

3. The Principal Chief Conservator of Forest (PCCF) subsequently vide Annexure P/12 dated 19.06.2018 had issued a show cause notice to the petitioner in respect of the aforesaid loss of forest produce. The petitioner, in turn, immediately filed a reply to the show cause notice on 05.07.2018 (Annexure P/13). Later on PCCF vide impugned order has finalized the case of the petitioner holding that he is liable for recovery of the loss caused to the department to the extent of Rs.1,42,924/-. The said order seems to have been passed under the provisions of Rule 10(3) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966.
4. Perusal of records would also reveal that the said order is an appealable order and the appeal would lie to the State Government.
5. Given the aforesaid facts, the present writ petition in its present form stands disposed of granting liberty to the petitioner to immediately prefer an appeal against the impugned order dated 12.12.2018 (Annexure P/1). Subject to the petitioner's preferring an

appeal within a further period of two weeks from today, the appellate authority shall consider and decide the appeal on its own merit and shall pass a speaking order on the appeal at the earliest preferably within a period of three months.

6. Needless to mention that since the petitioner has already retired from service w.e.f. 30.06.2018 and the matter being remitted back to the appellate authority, this court is of the opinion that the respondents are restrained from initiating any coercive steps against the petitioner for recovery of the said amount till the appeal is finally decided.
7. Meanwhile, so far as the retiral dues are concerned, this court directs the State Govt. to release the entire retiral dues payable to the petitioner after retaining the amount of Rs.1,42,924/- as assessed by way of the impugned order.
8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge