

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 575 of 2012**

S.R. Kashyap, Aged 49 years, S/o Shri P.R. Kashyap, Working as Forest Range Officer, At Gomarda Sanctuary, Sarangarh, Forest Division, Raigarh, Chhattisgarh. R/o Gomarda Sanctuary, Sarangarh, Distt. Raigarh, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh Through the Secretary, Department of Forest, Mantralaya, D.K.S. Bhawan, Raipur. R/o Gomarda Sanctuary Sarangarh, Distt. Raigarh, Chhattisgarh.
- 2.The Prime Chief Conservator of Forest, Chhattisgarh, H.Q. Aranya Bhawan, Jail Road, Raipur, Chhattisgarh.
- 3.The Conservator of Forest Jagdalpur Circle, Jagdalpur, Chhattisgarh.
- 4.The Divisional Forest Officer Forest Division, Dantewada, Distt. Dantewada, Chhattisgarh.

---Respondents

For Petitioner :- Mr. Rajesh Ku. Kesharwani, Advocate
For State :- Mr. Sunil Otwani, Addl. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board (Th. Video Conferencing)

03/09/2021

1. Learned counsel for the petitioner would submit that firstly, respondents determined the amount of loss suffered by the Government as Rs. 1,86,172/- unilaterally by order dated 19/04/2010 (Annexure P/2) after which petitioner requested for documents and they were supplied to him and thereafter, he filed reply on 19/05/2010 (Annexure P/4) but it was not considered and by passing the impugned order dated 17/01/2012 (Annexure P/1) it has been rejected by a non-reasoned and non-speaking order. In fact, the amount could not have been recovered without holding departmental enquiry in accordance with Rule 16 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966, as such, the impugned order deserves to be set aside.

2. Learned State counsel would support the impugned order.

3. I have heard learned counsel for the parties at length.

4. True it is that the reply filed by the petitioner on 19/05/2010 (Annexure P/4) has not been considered while passing the order dated 07/09/2011 (Annexure P/5) and thereafter, while

passing the impugned order dated 17/01/2012 (Annexure P/1) and these orders were passed unilaterally without holding any departmental enquiry, therefore, the Divisional Forest Officer, Dantewada was obliged to consider the reply filed by the petitioner and thereafter, pass a reasoned and speaking order. In that view of the matter, the impugned order dated 17/01/2012 (Annexure P/1) is hereby set aside and matter is remitted to the Divisional Forest Officer, Dantewada for passing a fresh order after hearing the petitioner within six weeks from the date of receipt of a copy of this order. Petitioner is at liberty to file additional document in support of his case including the applicable rules.

5. Accordingly, this writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet