

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 919 of 2021**

Jiwan Lal Bhondekar S/o Late Paras Ram Bhondekar Aged About 56 Years
Posted As- Deputy Ranger, At- O/o The Divisional Forest Officer, Division
Balod, District- Balod, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Department Of Forest, Mantralay Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur, Chhattisgarh.
2. Prime Chief Conservator Of Forest Chhattisgarh H.Q.- Aranya Bhawan, Nawa Raipur, Atal Nagar Raipur, Chhattisgarh
3. The Chief Conservator Of Forest, Durg Circle, Durg H.Q.- Jail Road, Paanch Building, District- Durg, Chhattisgarh
4. Divisional Forest Officer Rajnandgaon Division, District- Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rajesh Kumar Kesharwani, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order on Board

10/03/2021

1. The challenge in the present writ petition is to the order Annexure P/1 dated 15.01.2021, whereby the respondents have ordered for recovery of an amount of Rs.2,32,388/-.
2. Before filing of the writ petition itself, the petitioner has voluntarily deposited Rs. 1 lakh with the Department and has now challenged Annexure P/1. The ground of contention of the petitioner is that the respondents have already issued a charge-sheet to the petitioner in respect of the same alleged misconduct and where the inquiry is yet to be finalized and before finalization of the inquiry and before there

being a specific finding of fault on the part of the petitioner, the respondents have issued Annexure P/1 and have coercing the petitioner for depositing an amount of Rs. 2,32,388/-. According to the petitioner, the amount of Rs. One lakh, which the petitioner has deposited was out of fear of any coercive steps that the respondents would have initiated, though the petitioner is not in any manner responsible for any loss or damage that is alleged to have been caused to the respondents and for which the inquiry is already initiated and the petitioner is facing the inquiry.

3. The State counsel on the other hand submits that the charge-sheet which has been issued is in respect of the misconduct that the petitioner has committed, whereas the impugned order Annexure P/1 is an order of recovery for the damages or loss caused to the Department and these are two different nature of action on the part of the respondents and are not directly connected to the departmental enquiry initiated.
4. Having heard the contentions put forth on either side and on perusal of record admittedly, the petitioner has been issued with a charge-sheet on 02.01.2021. From the plain reading of the charges, it appears that the nature of allegation seems to be connected to the action of recovery. Moreover, since the inquiry is yet to be finalized and the alleged role of the petitioner is yet to be established and substantiated, the initiation of recovery can be prejudicial to the interest of the petitioner, both so far as his defense before the departmental enquiry and also so far as parting with a huge amount of Rs. 2,32,388/-,

5. Given the entire facts and circumstances of the case, this Court is of the opinion that the writ petition at this juncture can be disposed of to the extent that the respondents are restrained from initiating further recovery proceedings against the petitioner pursuant to Annexure P/1 and the respondents meanwhile are directed to ensure that the departmental enquiry is concluded at the earliest and the further recovery pursuant to Annexure P/1 shall be made only subject to the outcome of the inquiry, which has been initiated against the petitioner vide charge-sheet dated 02.01.2021.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved