

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

CWP-14325-2021

Date of Decision: 02.08.2021

DINESH KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jay Prakash Jangu, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Grievance of the petitioner herein is qua an impugned order dated 23.06.2021 (Annexure P-11), whereby, he has been suspended due to alleged dereliction in duty, *inter alia*, for not taking appropriate action on three forest offence reports viz. i). FOR No.020/206 dated 11.03.2021, ii). FOR No.22/206 dated 04.05.2021 and iii). FOR No.042/0205 dated 11.06.2021. The allegation is that despite the offences having been brought to his knowledge vide aforesaid reports, no further requisite action in accordance with law was taken by him.

2. The petitioner's case is that on getting the aforesaid information, he took appropriate action and sent a complaint to the Station House Officer of the concerned police station for taking further action.

3. On advance service of copy of the petition, learned State counsel joins proceedings. Without adverting much on the merits of the case, he argues that the writ petition ought to be dismissed at the very threshold, for being highly pre-mature. He further submits that as per the instructions of Sh. Suraj Bhan, District Forest Officer, Yamuna Nagar, it did not suffice on the part of the petitioner to have merely written to the Station House Officer, if at all he did write. He was, in fact, required to take action at his

own level by getting the matter further enquired/investigated as per the rules of business of Forest department.

4. He further contends that, on completion of the aforesaid enquiry/investigation at his level, petitioner then ought to have either compounded the offences, as per the report and in case, they were not compoundable then prepare a charge sheet. The charge sheet is then to be handed over to Deputy Forest Officer to be filed it in the appropriate Court of Law, by way of a complaint to be tried in accordance with Rule 2.7 of the Haryana Forest Manual Act.

5. Be that as it may, having heard the rival contentions, I am of the view that the writ petition has indeed been filed pre-maturely. It does not warrant any indulgence of this Court at this stage. The petitioner has already submitted his reply dated 21.06.2021 (Annexure P-10) and the same is under consideration by the competent authority. It is expected of the competent authority to consider the contentions of the petitioner and proceed further in accordance with law. The writ petition is accordingly dismissed as premature with liberty to the petitioner to take up all his defense, as has been put forth in the present petition, before the competent authority in the pending disciplinary proceedings.

6. Dismissed.

August 02, 2021
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No