

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

CWP-13815-2020 (O&M)

Date of decision: May 2, 2022

Krishan Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Shashi Kumar Yadav, Advocate,
For the petitioner.

Mr. R.K.S.Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein is for issuance of a writ in the nature of certiorari to quash the impugned order dated 29.05.2020 (Annexure P-5) whereby recovery of Rs.3,21,426/- has been ordered to be effected from the salary of the petitioner on the premise that during the year 2017-18,plantation work carried out in 20 hectares of land could not grow and the Government suffered financial loss.

Learned counsel for the petitioner submits that he was transferred there vide order dated 19.12.2018 (Annexure P-1) and he took the charge on 23.01.2019 i.e. much after the planation work. He submits that plantation work could not be successful because soil being sandy at the spot and pits silted up due to storm, rain etc. Plantation suffered great loss due to extreme hot and cold weather and termite. He submits that impugned order has been passed without considering the reply of the petitioner and without granting an opportunity of personal hearing whereas the petitioner submitted his reply within time through proper channel but respondent No.5 sent the same to the

concerned authority after three months for the reasons best known to him. Respondents have started deduction of Rs.8,939/- per month from the salary of the petitioner. Hence, the instant petition.

I have heard learned counsel for the parties and gone through the case file.

While issuing notice of motion, operation of impugned order was stayed vide order dated 08.09.2020.

Following objection has been taken on the maintainability in para 7 of the preliminary objections of the reply, which is reproduced herein below for ready reference:

“7. That the petitioner failed to file his reply within stipulated time and hence recovery order was passed by the answering respondent against all the three notice(s) including the petitioner. It is pertinent to mention here that as per rules, there is provision of filing appeal before Conservator of Forests against an order passed by Divisional Forest Officer, the other delinquent officials have filed appeal before Conservator of Forests whereas the petitioner has directly approached this Hon’ble High Court without exploring the remedies available to him.”

In the premise, writ petition is disposed of with an expectation that the Appellate authority will treat the pending representation as an appeal and decide the same, in accordance with law, as expeditiously as possible.

Till deciding the appeal, interim order dated 08.09.2020 passed by this Court shall continue to operate.

(ARUN MONGA)
JUDGE

May 2, 2022

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No