

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

CWP-23429-2021 (O&M)

Date of decision: August 29, 2022

Rakesh 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. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 30.07.2021 (Annexure P-8) whereby recovery of Rs.1,05,748/- has been ordered to be effected from the salary of the petitioner.

This Court had passed the following order on 24.11.2021:

“Grievance of the petitioner herein is qua the impugned order dated 30.07.2021 (Annexure P-8) whereby, recovery of Rs.1,05,748/- has been ordered to be effected from his salary. Learned state counsel joins proceedings on advance service.

Having heard the rival contentions. The delinquency attributed to the petitioner vide impugned Appellate order is that he had failed to carry out the requisite plantation of trees and therefore, the same is required to be recovered from the salary by way of deduction of Rs.5,000/- p.m. I am of the view that this Court cannot ascertain the factual dispute involved qua the plantation actually carried out or whether the same got damaged after its actual plantation, as is the defence of the petitioner. Being an extra-ordinary writ jurisdiction, the Court has to necessarily go by the affidavits filed in the proceedings. However, in the interest of justice, the impugned order is modified to the extent that instead of recovering the money of Rs.5,000/- from the salary of the petitioner, he shall be made to plant trees worth that much, since he was held delinquent either

for non-plantation or perishing of the plantation, as the case may be.

The order is being modified by keeping in mind that moderately speaking, one tree should cost about Rs.100/- and therefore, the limit of 50 trees per month is being kept in consonance with the recovery amount of Rs.5,000/- p.m.

The nature of trees to be planted shall be determined by the competent authority by keeping the cap of Rs.100/- per sapling as well as the climatic condition, which may be suitable for planting such trees.

While the above order was being dictated, it has been brought to my notice that currently due to the adverse climatic conditions in the area, where the plantation is to be carried out, no saplings would survive due to the on-going winter season.

Being so, the implementation of the aforesaid order shall be kept in abeyance until the weather becomes conducive for plantation and till then, amount which is to be recovered from the petitioner, shall be kept in a separate account, to be utilized when the plantation can be carried out. In the interest of justice, the amount is reduced to Rs.3,000/- p.m., which shall be recovered from the petitioner subject to the limit, which has already been determined vide impugned order.

Post it on 26.05.2021.”

In view of the detailed order dated 24.11.2021 *ibid*, no further proceedings are required. Writ petition is disposed of with the direction to respondent No.5-Conservator of Forests, South Circle, Gurugram to ensure compliance of order dated 24.11.2021 *supra*. In case, petitioner does not carry the necessary plantation, the Department shall be at liberty to recover the amount as per impugned order dated 30.07.2021 (Annexure P-8).

(ARUN MONGA)
JUDGE

August 29, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No