



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3744-2006

Reserved on: 10.11.2025

Date of decision: 15.12.2025

Uploaded on : 15.12.2025

ARVINDER SINGH

..Appellant

Versus

STATE OF PUNJAB AND ORS.

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sanjeev Sharma, Advocate
for the appellant.

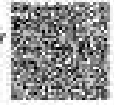
Mr. Animesh Sharma, Addl. A.G, Punjab
Mr. Ravneet S. Joshi, DAG, Punjab.

SUDEEPTI SHARMA, J. (Oral)

1. The present regular second appeal is preferred against judgment and decree dated 07.10.2004, passed by learned Additional Civil Judge (Senior Division), Patiala, whereby, the civil suit filed by the appellant was dismissed and judgment and decree dated 04.05.2006 passed by learned Additional District Judge, Patiala, whereby, the appeal filed against judgment and decree dated 07.10.2004 passed by Additional Civil Judge (Senior Division), Patiala was dismissed.

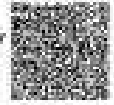
BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that the appellant was working as Forest Guard in Forest Range Office, Sirhind, District Fatehgarh Sahib and was holding the charge of Sirhind Beat No.2. The Range Officer, Sirhind auctioned 10 shisham trees in I.R.



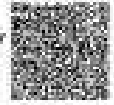
Distributory in Sirhind Beat No.2 on 08.01.1997. Sh. Sukhwinder Singh, Contractor, Multani Timber Store, Ambala purchased 10 shisham trees in open auction. The contractor visited the Range Office, Sirhind where he met the appellant, who showed him 10 trees purchased by him as per auction list dated 27.03.1998. Sh. Sukhwinder Singh, Contractor engaged his men to cut 10 shisham trees purchased by him on 27.03.1998. The appellant along with Range Officer, Sirhind and Block Officer visited the site to check the trees being cut by Contractor on 28.03.1998 and found that men of Contractor had fallen 12 more shisham trees in addition to 10 shisham trees purchased by the Contractor. The Block Officer got the damage report book from appellant and issued damage report dated 28.03.1998 for two shisham trees against the above named Contractor as these trees were taken away by his men. The Contractor paid the compensation for two shisham trees. The remaining shisham trees lying at the site were loaded in tractor trolley and brought to the Range Office, Sirhind. The Range Officer, Sirhind sent the list of 10 shisham trees taken by him from the site of auction to the Divisional Forest Officer, Fatehgarh Sahib vide letter No.71 dated 06.05.1998. These trees were auctioned along with other trees by Conservator of Forest, South Circle, Patiala. The amount of 10 shisham trees auctioned were deposited in the Government Treasury.

3. The Divisional Forest Officer, Fatehgarh Sahib issued chargesheet to the appellant for loss of 12 trees, which were illegally cut by Sh. Sukhwinder Singh contractor vide memo No.326 dated 11.05.1998. The allegations levelled against the appellant was that he knowingly caused loss of trees and is negligent in his duty. Conservator of Forest, South Circle, Patiala, appointed Sh. Ajmer Singh, Range Officer, Rajpura as Enquiry



Officer vide memo No.28 dated 14.05.1999. The appellant participated in enquiry proceedings and gave his statement before Enquiry Officer. The Enquiry Officer recorded the statement of Sh. Harinder Singh, Range Officer, Sirhind, Harinder Pal, Forestor and Sukhwinder Singh, Contractor, who admitted his guilt. The Enquiry Officer submitted his report to Divisional Forest Officer, Fatehgarh Sahib on the basis of statement of witnesses and as per evidence on record, the Enquiry Officer exonerated the appellant from charges framed against him as no evidence was available in the record. The Divisional Forest Officer, Fatehgarh Sahib agreed with the Enquiry Officer and exonerated the appellant from the charges framed against him vide his office order No.24 dated 24.02.2000, which were conveyed to the appellant vide endorsement dated 24.02.2000.

Conservator of Forest, South Circle, Patiala, who is Appellate Authority of appellant reviewed the orders passed by Divisional Forest Officer, Fatehgarh Sahib exonerating the appellant from charges framed against him vide order dated 24.02.2000 and issued show cause notice to the appellant dated 24.04.2000. He also gave personal hearing to the appellant. The appellant gave written reply at the time of personal hearing. Thereafter, punishment of stoppage of two annual increments with future effect vide order dated 19.07.2000 was given. Appellant filed appeal against the said order, which was dismissed vide order dated 17.09.2000. He filed civil suit challenging order dated 19.07.2000, which was dismissed by learned Additional Civil Judge (Senior Division), Patiala vide its judgment and decree dated 07.10.2004. He filed appeal against judgment and decree dated 07.10.2004 passed by learned Additional Civil Judge (Senior Division), Patiala, which was also dismissed by learned Additional District Judge,



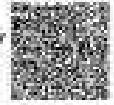
Patiala vide judgment and decree dated 04.05.2006. Hence, the present Regular Second Appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

4. Learned counsel for the appellant contends that appellant had no proven role and the Enquiry Officer exonerated the appellant still Conservator of Forest acting as reviewing authority reopened the case of the appellant without recording dissenting reasons and issued show cause notice proposing punishment.

5. He further contends that reviewing authority imposed punishment without mandatory enquiry as envisaged under Rule 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (in short '1970 Rules'). He, therefore, prays that the present appeal be allowed and judgment and decree dated 07.10.2004, passed by learned Additional Civil Judge (Senior Division), Patiala and judgment and decree dated 04.05.2006 passed by learned Additional District Judge, Patiala be set aside and the civil suit filed by the appellant be decreed in his favour.

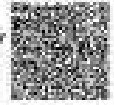
6. Per contra, learned counsel for respondent-State contends that disciplinary authority reviewing enquiry findings under Rule 21 of 1970 Rules is empowered to differ from the Enquiry Officer's exoneration provided reasons for disagreement are conveyed in the show cause notice and delinquent is given opportunity to file reply and personal hearing. And the appellant was fully aware of the allegations and adequate opportunity was granted to him before imposing punishment. He, therefore, prays that the present appeal be dismissed and judgment and decree dated 07.10.2004, passed by learned Additional Civil Judge (Senior Division), Patiala and



judgment and decree dated 04.05.2006 passed by learned Additional District Judge, Patiala be upheld.

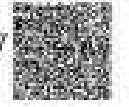
7. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

8. A perusal of the record shows that admittedly appellant was Forest Guard and 10 shisham trees were auctioned on 08.01.1997 to one Sukhwinder Singh, Contractor. On 28.03.1998 on checking by the appellant and superiors, it was found that in addition to 10 trees sold to the contractor, he cut 12 more trees. As per appellant on 27.03.1998, he had shown 10 trees auctioned to the said contractor and the checking was done on 28.03.1998. Two trees were already taken away by the men of contractor and 10 trees were brought to the office of Range Officer, Sirhind. On the same day, contractor deposited the compensation for two shisham trees taken by him and the remaining 10 trees were sought to be auctioned and the list was sent on 06.05.1998 to Divisional Forest Officer. The trees were auctioned and the amount of auction was got deposited in the Government Treasury. Thereafter, appellant was charge-sheeted and Enquiry Officer held him not guilty of the two charges, which was agreed by the Divisional Forest Officer, Fatehgarh Sahib but Conservator of Forest, South Circle, Patiala while acting under Rule 21 of the 1970 Rule reviewed the order and passed the impugned order. The appellant challenged the impugned order dated 19.07.2000 on the ground that appellant had been held guilty of charge of negligence of duty, for which he was not chargesheeted, therefore, he could not be punished for the said charges. Admittedly, appellant was negligent in performing his duties. Under Rule 21, Conservator of Forest, South Circle, Patiala, was competent to review the order but the only condition is that in



case major penalty is sought to be imposed, inquiry is to be conducted. In the present case the inquiry was already conducted. In the show cause notice brief reasons were given by mentioning that no action was taken by appellant regarding the cutting of trees, whereas, cutting of trees might have been going on since several days and the loss is caused due to the negligence of appellant in performing his duty. Even in the chargesheet, the charge of negligence in performance of duty was there. The plea of appellant that on 27.03.1998, he had shown 10 trees to the contractor for the purpose of cutting and on 28.08.1998 when he along with his officer visited the spot he found that in addition to 10 trees, 12 more trees had been cut cannot be believed since auction was done on 08.01.1997 and the contractor would not wait for such a long period to cut the trees. Further the fact that 22 trees were cut shows that the same was not done over night. Being Forest Guard, it was the duty of the appellant to inspect the area and report about the illegal cutting and theft of the trees, whereas, in the present case 12 additional trees were cut by the contractor and the contractor in addition to 10 trees, which were auctioned to him took two more trees for which though he paid the compensation, the same would not justify the offence committed by the contractor as well as the appellant. No action was taken against the contractor for illegal felling of 12 trees and even compensation of theft of two trees was immediately deposited by the contractor, which further shows that there was connivance between the appellant as well as contractor.

9. A perusal of judgment and decree dated 07.10.2004, passed by learned Additional Civil Judge (Senior Division), Patiala and judgment and decree dated 04.05.2006 passed by learned Additional District Judge, Patiala shows that both the Courts have taken into consideration all the facts and



circumstances of the present case and the evidence on record and after considering the documentary as well as oral evidence on record, well reasoned judgments have been passed, which require no interference by this Court.

DECISION

10. In view of the above same, I do not find any infirmity or illegality in the judgment and decree dated 07.10.2004, passed by learned Additional Civil Judge (Senior Division), Patiala and judgment and decree dated 04.05.2006 passed by learned Additional District Judge, Patiala and the same are hereby upheld.

11. Consequently, the instant appeal is dismissed. Parties are left to bear their own costs.

12. Decree sheet be drawn.

13 All the pending miscellaneous applications, if any, are also disposed of.

15.12.2025

Ayub

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*