



RSA-3678-2017 (O&M)

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

RSA-3678-2017 (O&M)
Date of decision: 12.08.2025

STATE OF HARYANA AND OTHERS

...Appellants

Versus

HARI SINGH

...Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, AAG, Haryana.

None for the respondent.

SUDEEPTI SHARMA, J. (ORAL)**CM-8924-C-2017**

The instant application has been filed for seeking condonation of delay of 180 days in filing the appeal.

Despite notice being issued in the instant application way back on 17.07.2017 no reply has been filed to the same till date. Hence, for the reasons mentioned in the application, the same is allowed and the delay of 180 days in filing the instant appeal is condoned.

Main case

1. The present appeal is preferred against judgment and decree dated 07.10.2016 passed by learned Addl. District Judge, Hisar whereby judgment and decree dated 24.09.2015, passed by learned Civil Judge (Junior Division), Hisar is reversed.



2. The brief facts of the case are that respondent joined forest department as Deputy Ranger on 18.10.1984 and he retired from the said post after attaining the age of superannuation on 31.05.2014. He was charge sheeted on 19.04.2011 on account of loss of plantation as per clause 8 of Haryana Civil Services (Punishment and Appeal) Rules, 1987. He filed reply to the same, thereafter order dated 19.11.2014 was passed against the respondent. He filed civil suit challenging the same which was dismissed by Civil Judge (Junior Division), Hisar vide judgment and decree dated 24.09.2015. Thereafter, respondent filed appeal against judgment and decree dated 24.09.2015 passed by Civil Judge (Junior Division), Hisar which was allowed and suit of the respondent was decreed vide judgment and decree dated 07.10.2016 passed by Addl. District Judge, Hisar. Hence, the present appeal.

3. Learned counsel for the appellants contends that full opportunity was granted to the respondent before passing the impugned punishment order. Therefore, learned first Appellate Court has wrongly allowed the appeal filed by the respondent. He therefore, prays that the present appeal be allowed.

4. Today, despite service none appeared on behalf of respondent.

5. I have heard learned counsel for the appellants and perused the case file with his able assistance.

6. Inquiry was conducted against the respondent on the allegation that due to his negligence the success rate of plants was very less during his tenure which is based on report dated 12.03.2009 of Monitoring and Evaluation of Plantation for the month of 10/2008 submitted by Assistant Conservator of Forest, Monitoring and Evaluation Office, Karnal. Thereafter



show cause notice dated 19.04.2011 was issued to the respondent under rule 8 of Haryana Civil Services (Penalty and Appeal) Rules 1987 to which the respondent filed reply. Thereafter, order dated 19.11.2014 was passed imposing penalty for recovery of Rs.76,253/-.

7. A perusal of impugned order dated 19.11.2014 shows that the reply to the show cause notice filed by the respondent was not considered by the Punishing Authority. No reason was mentioned in the impugned order as to why explanation submitted by the respondent was not found to be satisfactory and there is no discussion of consideration of the reply filed by the respondent. Therefore, the order passed by the appellant is non-speaking.

8. A bare reading of rule 8 of Haryana Civil Services (Penalty and Appeal) Rules 1987 shows that minor penalty can be imposed subject to following conditions: (i) there exists good and sufficient reasons for imposing one of the minor penalties specified in rule 5; (ii) the employee is given an adequate opportunity of making representation and such representation is taken into consideration by the punishing authority.

9. In view of Rule 8 as referred to above, no opportunity was granted to the respondent and no procedure as laid down under the above referred to rule was followed before passing the impugned order dated 19.11.2014. Further the reply filed by the respondent was not even considered. The principles of natural justice were not followed by the appellant before passing the impugned order dated 19.11.2014.

10. This Court in case of “***Dhani Ram Chaudhary V/s State of Haryana and another***”, decided on 28.07.1998, held as under:-

“3. This shows that giving of notice to the employee calling upon him to submit representation against the proposed



action, consideration of the representation, if any made and the recording of reasons constitute an integral part of the procedure which has to be followed by the competent authority before an order imposing one of the minor penalties specified in Rule 4 can be imposed on a Government employee. The requirement of giving an opportunity to make representation, consideration thereof and recording of good and sufficient reasons represents the embodiment of principles of natural justice which have to be complied with before the competent authority can impose minor penalty on an employee. What has happened in the present case shows half-hearted compliance of Rule 4 and Rule 8 of 1987 Rules. The Government did give notice requiring the petitioner to submit representation in respect of the allegation levelled against him. However, without considering the representation submitted by him in an objective manner, the Government passed the impugned order. A bare reading of the impugned order shows that the Government has not recorded a finding that the reply submitted by the petitioner is unsatisfactory. It also does not show as to what are the operating reasons for holding the petitioner guilty of the allegation levelled against him. In view of this, there is no escape from the conclusion that the impugned order is ultra vires to Rule 4 read with Rule 8 of 1987 Rules as well as the principles of natural justice.”

11. In view of the above, I do not find any infirmity in the judgment and decree dated 07.10.2016 passed by Addl. District Judge, Hisar and the same is upheld.

Accordingly, the present appeal is dismissed.

Parties are left to bear their own costs. Decree sheet be drawn.

(SUDEEPTI SHARMA)
JUDGE

12.08.2025

Ithlesh

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