



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 8585/2020
(SWP No.1675/2018)

Thursday, this the 18th day of March, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd, Jamshed, Member (A)

1. Sujjan Singh, age 53 years
s/o late Shri Chet Ram,
r/o Village Thalroan, Tehsil Gandoh
District Doda,
Incharge Block Officer
Block Kulhand,
Tehsil and District Doda
2. Anish, age 26 years
s/o Sh. Bharat Bhushan
r/o Village Mandale Mohalla,
Tehsil Mohalla District Doda
Incharge Beat Guard
Dashnan

..Applicants
(Mr. C M Koul, Senior Advocate assisted by Mr. Kapil Gupta,
Advocate)

Versus

1. State of Jammu and Kashmir, through its Commissioner-cum-Secretary, Forest Department, Civil Secretariat, Jammu/Srinagar
2. Conservator of Forest Chenab Circle Doda
3. Divisional Forest Officer, Forest Division Doda
4. Range Officer, Kuntwara Range, Doda

..Respondents
(Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant No.1 was working as In-charge Block Officer and the applicant No.2 was working as Beat Guard, in the Forest Department in Doda District, in the year 2018. A show cause notice (SCN) was issued to them on 12.07.2018, alleging that on account of their negligence, certain logs and scants were stolen or damaged and they were required to explain as to why the cost of the stolen timber be not recovered from them. Stating that the applicants did not submit any explanation, the Divisional Forest Officer, Forest Division Doda passed an order dated 27.07.2018, directing recovery of Rs.35712/- each from the applicants in three equal installments. They filed SWP No.8585/2020 before the Hon'ble High Court of Jammu & Kashmir, challenging the said order.

2. The applicants contend that though they submitted a detailed explanation, naming the persons, who are responsible for loss of timber, the Divisional Forest Officer did not take the same into account and passed the impugned order. Various grounds were raised in relation to this. The Hon'ble High Court passed an interim order dated 20.08.2018, staying the recovery from the applicants.

3. The record discloses that the respondents did not file any counter affidavit.

4. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir and re-numbered as T.A. No.8585/2020.

5. Today, we heard Mr. C M Koul, learned senior counsel for applicants and Mr. Amit Gupta, learned Additional Advocate General, through video conferencing.

6. The applicants felt aggrieved by the order dated 27.07.2018, through which a sum of Rs.71424/- is sought to be recovered from them collectively. It is no doubt true that the order was preceded by SCN dated 12.07.2018. The applicants submitted a detailed reply on 20.07.2018, not only narrating the relevant facts but also indicating the names of the persons, who are responsible for this, was not disputed by the respondents. Though it was competent for the Divisional Forest Officer, Forest Division Doda to take his own view, he was under obligation to refer to the explanation submitted by the applicants and demonstrate as to how the facts, pleaded by them, cannot be accepted. There is a clear violation in this behalf. Before any penalty in the form of recovery of amount from the applicants is imposed, the prescribed procedure ought to have been followed.

7. We, therefore, allow the T.A. and set aside the impugned order. We, however, leave it open to the Divisional Forest

Officer, Forest Division Doda to pass a fresh order, duly taking into account, the explanation dated 20.07.2018 submitted by the applicants in response to the SCN dated 12.07.2018. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 18, 2021
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