


**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 10567/2024

Ashok Singh S/o Late Laxman Singh, Aged About 41 Years,
Office Of The Regional Forest Officer, Ramsingh Nagar, District
Anoopgarh, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Forest Department, Government Of Rajasthan, Jaipur.
2. The Principal Chief Conservator Of Forest (HOFF), Van Bhawan, Jaipur.
3. The Additional Principal Chief Conservator Of Forest (HQ), Van Bhawan, Jaipur.
4. The Chief Conservator Of Forest, Bikaner.
5. The Deputy Conservator Of Forest, Sri Ganganagar.

-----Respondents

For Petitioner(s)	:	Mr. Parmendra Bohra
For Respondent(s)	:	Mr. Mahaveer Bishnoi, AAG

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
Order

REPORTABLE

27/08/2024

1. Heard learned counsel for the parties.
2. The present writ petition has been filed against the order dated 21.06.2024 passed by respondent No.3-Additional Principal Chief Conservator of Forest (HQ), Rajasthan whereby, the petitioner has been placed under suspension.
3. Briefly noted the facts in the present writ petition are that the petitioner is working on the post of Range Forest Officer Grade-II in the office of Regional Forest Officer, Raisinghnagar, District Anupgarh. On 11.06.2024, the petitioner constituted a

flyng squad of five members for keeping in check the poaching activities of Chinkaras (Deer) in his range area. On 19.06.2024, two Chinkaras (Deer) were found dead and an FIR was registered by the petitioner on 20.06.2024. Three persons were arrested for killing of those two Chinkaras. After the incident, there occurred agitation in the area and, therefore, a meeting was held in which a compromise was entered into between the villagers of the Village Buddha Johad (Dabla) and certain Revenue Officials on 20.06.2024. For resolving the dispute and to calm down the agitation among the villagers, certain conditions were agreed in the compromise deed and one such condition was placing the petitioner under suspension immediately. This compromise deed was communicated to the respondent-Department and vide order dated 21.06.2024 the petitioner has been placed under suspension by respondent No.3-Additional Principal Chief Conservator of Forest (HQ), Rajasthan. Hence, the present writ petition has been filed.

4. Learned counsel for the petitioner submits that the order dated 21.06.2024 placing the petitioner under suspension has been passed without any application of mind as the authority has issued the suspension order in pursuance of the compromise entered into between the Revenue Officials and the Villagers on 20.06.2024. Learned counsel further submits that though there was no negligence/fault on the part of the petitioner in the official discharge of his duties, however, he has been placed under suspension.

5. Learned counsel also submits that in the case of petitioner, the order dated 21.06.2024 has been passed by a person who is

incompetent to issue the suspension order for the reason that the appointing authority of the petitioner is the Principal Chief Conservator of Forest, (HQ), Rajasthan, whereas the order of suspension has been passed by the Additional Chief Conservator of Forest. He, therefore, prays that the writ petition may be allowed and the order dated 21.06.2024 may be quashed and set-aside.

6. Per contra, learned counsel for the respondents vehemently opposed the submissions made by counsel for the petitioner and submits that the petitioner has been placed under suspension in anticipation of the Disciplinary Inquiry which is likely to be instituted against him shortly. Learned counsel for the respondents submits that because of the increase in the poaching activities in the area, immediate and strict action was required to be taken in the matter, and since the petitioner was negligent in discharging his duties in preventing the illegal poaching of the Chinkaras (Deer) in the area, he was placed under suspension. Learned counsel for the respondents further submits that the order dated 21.06.2024 has been passed by the competent authority and no interference is warranted in the present case. He, therefore, prays that the writ petition may be dismissed.

7. On a pointed query being raised by the Court to the counsel for the respondents, he has very fairly submitted that no charge-sheet has been issued to the petitioner till date.

8. I have considered the submissions made at the Bar and have gone through the relevant record of the case.

9. The admitted position of the fact is that the petitioner is working on the post of Range Forest Officer, Grade-II in the

Anupgarh District and on account of an incident which occurred on 19.06.2024, wherein, two Chinkaras were killed, an FIR was registered by the petitioner and three persons were arrested. After the said incident, there occurred agitation in the area. Thus, to resolve the dispute and calm down the agitation among the villagers, a compromise was entered into between the villagers of the Village Buddha Johad (Dabla) and Revenue Officials in which it was decided that the petitioner shall be placed under suspension immediately. When this compromise deed was communicated to the respondents, the petitioner was placed under suspension vide order dated 21.06.2024. The relevant part of the said compromise deed is reproduced hereunder:

"बिश्नोई मन्दिर समिति

बुड्ढा जोहड़ (डाबला), तह. रायसिंहनगर, जिला श्रीगंगानगर (राज.)

समझौता

कल दिनांक 20.06.2024 को ग्राम 2 LC में दो हिरणों का शिकार होने के कारण ग्राम डाबला एवं आस-पास के ग्रामीणों द्वारा ग्राम 2 LC में धरना प्रदर्शन किया गया। उपखण्ड अधिकारी रायसिंहनगर, पुलिस उप अधीक्षक रायसिंहनगर व पूर्व विधायक श्रीमान् बलबीर जी, लूभरा व समाज के प्रतिष्ठित व्यक्तियों के मध्य समझौता वार्ता की गई जिसमें निम्न मुद्दों पर सहमति बनी-

(1) अशोकसिंह रेजर व तेजपाल वन रक्षक को तुरन्त प्रभाव से निलम्बित किया जावे।"

10. The suspension though is not a punishment but is required to be effected with due caution and vigilance and a civil servant could not be placed under suspension without due application of mind and without examining the need to do so.

11. The competent authority, before placing an incumbent under suspension, must consider its necessity. The unwarranted suspension of a government servant not only deprives the

employer from utilizing his services but also put a burden on public fund in the form of payment of subsistence allowance.

12. It is for the competent authority to examine facts of each and every case and to settle desirability to place an incumbent under suspension by applying objective discretion. The suspension of an employee, looking to the facts and circumstances of the case may be desired urgently or on emergent basis but in those circumstances also the competent authority must record its satisfaction for exercising powers under Rule 13 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958. If such satisfaction is not recorded and suspension is made merely on the basis of the instructions given in circulars or merely by a word of mouth or by slip of pen, then that is nothing but colourable exercise of power.

13. Strangely, in the present case, the basis of the suspension order dated 21.06.2023 is the compromise deed entered into between the Revenue authorities and the Villagers which clearly reflects total non-application of mind by the Authority who has passed the suspension order. In the opinion of this Court, merely because there is a compromise entered into between the Villagers and the Revenue Officials, the same is not a sufficient ground to place a person under suspension. The suspension of a Government servant cannot be made in a mechanical and casual way as has been done in the present case to pacify the anger and anguish of the villagers. The anticipation of the Inquiry is *sine-qua-non* but in the present case, the petitioner has not even been issued a charge-sheet till date.

14. This Court is firmly of the view that the suspension order is required to be passed after taking into consideration the entire facts of the matter and after due application of mind which is conspicuously absent in the present matter. Further, the order dated 21.06.2024 has been passed by the Additional Chief Conservator of Forest (HQ), Rajasthan, whereas, the appointing authority of the petitioner, who is working as Range Forest Officer Grade-II, as per the Rules, is Principal Chief Conservator of Forest. Therefore, the order of suspension has been issued by an authority who is incompetent as per the Rules making it unsustainable in the eyes of law.

15. In view of the discussions made above, the writ petition merits acceptance and the same is allowed. The order dated 21.06.2024 passed by the respondent-Additional Principal Chief Conservator of Forest (HQ), Rajasthan, placing the petitioner under suspension is quashed and set-aside.

16. Stay petition as well as other pending misc. applications, if any, stand disposed of accordingly.

(VINIT KUMAR MATHUR),J