

**IN THE GAUHATI HIGH COURT  
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)**

**ITANAGAR PERMANENT BENCH**

**WP(C)151(AP)2012**

**Smt. Koj Yaring**

W/o Late Taje Chada

Permanent resident of village Tajang

District: Lower Subansiri, Arunachal Pradesh.

**.....Petitioner**

**By Advocates:**

Mr. Khoda Tari

Mr. G. Kato

Mr. T. Don

Mr. G. Riba

Mr. T. J. Dogum

**-Versus-**

- 1.** State of Arunachal Pradesh represented by the PCCF & Parliamentary Secretary(E&F), Government of Arunachal Pradesh, Itanagar.
- 2.** The Chief Conservator of Forests, Western Arunachal Circle, Banderdewa.
- 3.** The Conservator of Forests, Western Arunachal Circle, Banderdewa.
- 4.** The Divisional Forests Officer, Hapoli Forests Division, Ziro, Lower Subansiri District, Arunachal Pradesh.

**.....Respondents**

**By Advocate:**

Mr. Duge Soki, Addl. Senior Government Advocate

**:::BEFORE:::**

**HON'BLE MR. JUSTICE PARAN KUMAR PHUKAN**

**Date of hearing : 08-11-2016**

**Date of Judgment & Order: 08-11-2016**

**JUDGMENT & ORDER(ORAL)**

Heard Mr. Khoda Tari, learned counsel for the petitioner. Also heard Mr. Duge Soki, learned Addl. Senior Government Advocate, for the State Respondents.

**2.** Challenge in this writ proceeding, is to the order dated 28.12.2011, issued by the Principal Chief Conservator of Forests(Environment & Forests), Government of Arunachal Pradesh, Itanagar, upholding the penalty awarded by the Chief Conservator of Forests, Western Arunachal Circle, Banderdewa, vide impugned Office Memo. No. WAC/CC-7/07 dated 11.03.2011, whereby penalty of reduction of pay-scale of the delinquent Tage Chada(petitioner) to the minimum of basic and Grade Pay in the pay scale of Range Forests Officer ('RFO', for short), in the revised pay scale viz. PB-2 Rs. 9300-34800/- plus Grade Pay of Rs. 4200/- w.e.f. 01.03.2011; and reduction in his seniority by 12 years in case of consideration for promotion; was passed, with a direction that service benefits including pensionary benefits, etc., would remain unaffected with the order of major penalty and the penalty will not adversely affect or reduce his length of service.

**3.** The delinquent official/writ petitioner Tage Chada, was posted as RFO in the Department of Environment & Forests, Government of Arunachal Pradesh. The accusations against him was that while holding the charge of Palin Range of Hapoli Forests Division, he was involved in misuse of Transit Passbook, Permit Book and Money Receipt Book, in connivance with other officials with ulterior motive and he has used the Permit Book and Money Receipt Book unauthorizedly without the approval of the Divisional Forests Officer, Hapoli Forests Division, and thereby he had misused the power of the Range Officer by quoting wrong permit No. and seizure No. of offence case with intention to conceal the wrong doing on his part. He was also involved in illegal transportation of canes from the Forests thus causing substantial loss to the State exchequer.

**4.** The charges were held to have been proved by the Inquiry Officer and accordingly, penalty order was imposed by the Chief Conservator of Forests, Western Arunachal Circle, Banderdewa, against which, he preferred an appeal before the Principal Chief Conservator of Forests & Principal Secretary, Department of Environment & Forests, Government of Arunachal Pradesh,

Itanagar, but the order of Chief Conservator of Forests, Western Arunachal Circle, Banderdewa, was upheld in the appeal.

**5.** It is stated at the Bar that the writ petitioner had died during the pendency of this writ proceeding and his wife impleaded herself in this case.

**6.** Mr. Tari, learned counsel for the petitioner, submits that order of major penalty imposed against the delinquent official was not in consonance with the settled principles of law and it was disproportionate to the alleged offences so committed by the said official.

**7.** Without disputing the findings so arrived at by the disciplinary authority, Mr. Tari, learned counsel, has submitted that the penalty imposed against the delinquent official is likely to impact the financial benefits to be derived by his wife on his death and as such, the respondent authorities may be directed to reconsider the decision regarding the penalty imposed against the delinquent RFO.

**8.** Since no dispute regarding findings of the disciplinary authority has been raised, Mr. Soki, learned Addl. Senior Government Advocate, submits that the authorities concerned may reconsider the penalty imposed against the delinquent official so that the same would not impact the financial benefits which would otherwise accrue to his wife on the death of delinquent official.

**9.** Having regard to the submissions and taking into consideration the entire aspects of the matter, at hand, I am of the considered view that it would be just and expedient to dispose of this writ petition, by directing the respondent authorities/disciplinary authority to reconsider the decision regarding major penalty order imposed against the delinquent official Late Taje Chada, so that financial benefits accrued to the wife, on his death, is not

impacted, in any manner. The entire exercise be carried-out by the authorities concerned immediately without any unnecessary delay.

**10.** With the above directions, this writ petition stands disposed of, directing the parties to bear their own costs.

**JUDGE**

*Bhask*