

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA NO.119/2024

IN THE MATTER OF :

Satish Kumar

.....Applicant

Versus

MOEF & CC & Ors.

.....Respondents

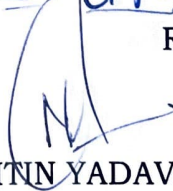

N.D.O.H.: 09.09.2024

I N D E X

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RESPONDENT NO.5

THROUGH



 NINN YADAV, MADHULATA
 & MANOJ KUMAR
 ADVOCATES

CH. NO.547, DWARKA COURT COMPLEX,
 SECTOR-10, DWARKA,
 NEW DELHI-110075

NEW DELHI.

DATED : 6/9/24

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

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Satish Kumar

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.....Respondents

N.D.O.H.: 09.09.2024

**ADDITIONAL REPLY ON BEHALF OF RESPONDENT NO. 5
SMT. SAROJ DEVI (SARPANCH) W/O SH. HARI KISHAN R/O
VILLAGE-JHASWA, DISTRICT- JHAJJAR, HARYANA**

MOST RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSIONS:

1. That the answering respondent is a law abiding citizen and having huge respect in the society. It is submitted that the answering respondent had falsely implicated by the applicant in the present application due to political rivalry. It is further submitted that the answering respondent is a nature loving person and she planted more than 300 trees in the Bani of Village-Jhaswa, Distt.-Jhajjar, Haryana at her own cost.
2. That it is submitted that the answering respondent and her member of Panchayat had neither cut even a single tree nor retained even a single penny with respect to the selling of the cutting trees as alleged in the present

(2)

application filed by the applicant. It is the concocted story made by the applicant.

3. That it is pertinent to mention herein that vide letter dated 10/04/2024 Block Development & Panchayat Officer, Matanhail, District Jhajjar directed the Sarpanch, Gram Panchayat Jhanswa, Tehsil Matanhail, District Jhajjar to deposit Rs 2,35,429/- in Gram Panchayat Fund within seven days and further directed that 564 plants(i.e three times the number of trees cut) be planted in the Gram Panchayat area and report be submitted with Geo Tagged photographs & videography in the office BDPO Matanhail, District Jhajjar.
4. That the answering respondent had already filed her reply with respect to the OA 119/2024 filed by the applicant in the present application on 13.08.2024 but inadvertently it could not come on record of the present application before of this Hon'ble Tribunal and the same was filed again on 20.08.2024. It is further submitted that after the filing of the aforesaid reply on 13/08/2024 the answering respondent had been suspended by DC Jhajjar, Haryana vide order dated 14.08.2024 wherein answering respondent was restrain to participate in any proceeding of

the Gram Panchayat. That the copy of the said order is hereby annexed with the present reply for kind perusal of this Hon'ble Court.

5. That it is pertinent to mention herein that on enquiry by the Panchayat Secretary one person namely Anand S/o Sh. Ghissa Ram of Village-Jhasva had admitted on 16.08.2024 the fact that he had cut the said trees inadvertently as mentioned in the application filed by the applicant. It is further submitted that the said person namely Anand in lieu of cutting of trees had deposited the amount of Rs.2,35,420/- into the account of Gram Panchayat Jhasva which is the assessed price of trees cut by the Anand done by the District Forest Officer, Jhajjar vide letter dated 09/04/2024. The Photocopy of the said receipts is annexed herewith for the kind perusal of this Hon'ble Court.
6. That it is further pertinent to mention herein that the Sh Anand had also planted 600 trees into the area of Gram Panchayat area and further submitted report with Geo Tagged photographs & videography in the office BDPO Matanhail, District Jhajjar as directed by the Block Development & Panchayat Officer, Matanhail, District

(4)

Jhajjar directed the Sarpanch, Gram Panchayat Jhanswa, Tehsil Matanhail, District Jhajjar vide letter dated 10/04/2024.

7. That it is further submitted that the answering respondent had filed the Appeal against the order dated 14.08.2024 of D.C. Jhajjar, Haryana in which Hon'ble Divisional Commissioner Rohtak had granted stay against the suspension order passed by DC Jhajjar and the said appeal is still pending before the Hon'ble Divisional Commissioner for 09.09.2024. The copy of the said order is annexed herewith for the kind perusal of this Hon'ble Tribunal.

PRAYER

It is therefore most respectfully and humbly prayed before this Hon'ble Court that additional reply of the answering respondent be taken on record and the present application filed by the applicant with malafide intention be kindly dismissed with heavy cost and relief be given to answering respondent in the extreme interest and fairplay of justice.

Any other and further orders as this Hon'ble Court may deem fit and proper in the facts and

(5)

circumstances of the case may pleased be passed in favour of
answering Respondents and against the applicant.

ग्राम पंचायत, शा. 10
जिला झज्जर (हरियाणा)


रिपण्डण्ट नुं. 5

RESPONDENT NO.5

NEW DELHI.

THROUGH

DATED: 6.09.2024


NITIN YADAV, MADHULATA
& MANOJ KUMAR
ADVOCATES

CH. NO.547, DWARKA COURT COMPLEX,
SECTOR-10, DWARKA,
NEW DELHI-110075

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DATED : 6/9/24

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AFFIDAVIT

I, Saroj Devi W/o Sh. Hari Kishan R/o Village-Jhaswa, Distt. Jhajjar, Haryana, do hereby solemnly affirm and declare as under:-

1. That the deponent is the respondent No. 5 in the above mentioned application and am well conversant with the facts of the case and competent to swear this affidavit.
2. That the contents of the accompanying additional reply of the application has been drafted by my counsel under my instruction and the same are true and correct to the best of my knowledge derived from the case record and has been drafted by my counsel under my instruction and the same be read as part and parcel of the affidavit and the same are not being repeated herein for the sake of brevity.

I identify the deponent who has signed in my presence.

*Identified
Mandit*

सरोज देवी

DEPONENT

- 6 SEP 2024

VERIFICATION:

Verified at New Delhi, on _ day of September, 2024, that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed there from.

सरोज देवी

DEPONENT



ATTESTED

[Signature]
Oath Commissioner Delhi

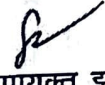
- 6 SEP 2024

आदेश

श्रीमति सरोज देवी, सरपंच, ग्राम पंचायत झांसवा, खंड मातनहेल को इस कार्यालय के पत्र क्रमांक 3776-80/पंचायत दिनांक 14/08/2024 द्वारा आरोपित करते हुए सरपंच, ग्राम पंचायत झांसवा के विरुद्ध नियमित जांच के आदेश जारी किए जा चुके हैं। उप मण्डल अधिकारी(ना0), झज्जर को नियमित जांच अधिकारी नियुक्त किया गया है। श्रीमति सरोज देवी, सरपंच, ग्राम पंचायत झांसवा पर लगाए गए आरोप इतने गम्भीर प्रवृत्ति के हैं कि इनके सिद्ध होने पर उसे सरपंच पद से हटाया जा सकता है। इस प्रकार श्रीमति सरोज देवी, सरपंच, ग्राम पंचायत झांसवा खंड मातनहेल का सरपंच पद पर बने रहना जनहित में उचित नहीं है।

अतः मैं, कैप्टन शक्ति सिंह, आई.ए.एस., उपायुक्त झज्जर, हरियाणा पंचायती राज अधिनियम, 1994 की धारा 51(1) के अंतर्गत निहित शक्तियों का प्रयोग करते हुए श्रीमति सरोज देवी, सरपंच, ग्राम पंचायत झांसवा को सरपंच पद से निलम्बित करता हूँ तथा इसी अधिनियम की धारा 51(2) के अंतर्गत उसे ग्राम पंचायत की किसी भी कार्यवाही में भाग लेने से वंचित करता हूँ। श्रीमति सरोज देवी, सरपंच, ग्राम पंचायत झांसवा, खंड मातनहेल को आदेश दिए जाते हैं कि वह पंचायत की चल/अचल सम्पत्ति जो भी उसके नियंत्रण में है, को हरियाणा पंचायती राज अधिनियम, 1994 की धारा में दिए गए प्रावधान अनुसार तुरन्त प्रभाव से बहुमत रखने वाले पंच को सौंप देवे।


यह आदेश तुरन्त प्रभाव से लागू समझे जावे।

o/c 
उपायुक्त झज्जर।
दिनांक: 14/08/24

पृ० क्रमांक:पंचायत/ 3781-85

इसकी एक प्रति निम्नलिखित को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित है:-

1. निदेशक, विकास एवं पंचायत विभाग, हरियाणा चंडीगढ़।
2. उप-मंडल अधिकारी(ना0), झज्जर(नियमित जांच अधिकारी)।
3. खंड विकास एवं पंचायत अधिकारी, मातनहेल को आदेशों की अतिरिक्त प्रति भेजकर लिखा जाता है कि आप अपने कार्यालय के विशेष वाहक के माध्यम से श्रीमति सरोज देवी, सरपंच, ग्राम पंचायत झांसवा को अतिरिक्त प्रति वितरित करवाकर पावती रसीद तुरन्त प्रभाव से इस कार्यालय में भिजवाना सुनिश्चित करें।
4. श्रीमति सरोज देवी, सरपंच, ग्राम पंचायत झांसवा, खंड मातनहेल(रजिस्टर्ड)।
5. जिला लोक सम्पर्क अधिकारी, झज्जर।

o/c 
उपायुक्त झज्जर।
8

⑧

Annexure RS/2-220

प्रति लेबल साबुवा पिनकोड-२३-४-२५

केस न० EA-61

तिथि दायरा २३-४-२५

तिथि फैसला पैडिंग - १-१-२५

केस का किस्म डरियाणा पंचायती राज रुक्टर

अनुवाक शरोज देवी

बनाम DC सज्जर सादि

गांव झासवा

तहसील सज्जर

जिला सज्जर

साक्षात्कृत

निरीक्षक

कार्यालय अयुक्ता, रोहतक मण्डल

२७-४-२५



9

ई0ए0न0 आफ 23-08-2024

हरियाणा पंचायती राज एक्ट

मौजा झासंवा जिला झज्जर

सरोज देवी

बनाम

उपायुक्त, झज्जर आदि

23-08-2024

विद्वान अधिवक्ता वादी हाजिर है। उन्हें सुना गया। दर्ज रजिस्टर होवें। विद्वान अधिवक्ता वादी ने अपील में दिए गए तथ्यों को दोहराते हुए बताया कि यदि अवर न्यायालय के आदेशों के क्रियान्वयन पर रोक नहीं लगाई गई तो उसको असहनीय नुकसान होगा और उन द्वारा दायर की गई अपील का महत्व भी समाप्त हो जाएगा। अन्त में अनुरोध किया कि अवर न्यायालय के आदेशों के क्रियान्वयन पर रोक लगाई जाए।

विद्वान अधिवक्ता वादी द्वारा दिए गए तर्क में प्रथम दृष्टता बल पाते हुए न्यायहित में उपायुक्त, झज्जर के आदेश दिनांक 14-08-2024 के क्रियान्वयन पर आगामी सुनवाई तिथि तक रोक लगाई जाती है। अब यह पत्रावली प्रत्यर्थीगण को नोटिस द्वारा व निम्न न्यायालय का रिकार्ड तलब किया जाकर तलब किया जाकर दिनांक 09-09-2024 को प्रस्तुत होवे।

मण्डल आयुक्त, रोहतक मण्डल,
कैम्प:-झज्जर।

साक्षात्कृत

निरीक्षक

कार्यालय आयुक्त, रोहतक मण्डल

27-8-24

(क) सा.र.ई. 2 न प्र.सं. 1096 27-8-24 CDH

(ख) तिथि

(ग) कागजों की संख्या 2

(घ) फीस 0

(1) नटल फीस रु 1

(2) जरूरी फीस रु 7

(3) कुल फीस रु 8

(4) नटल नवीस का नाम चारुष

(5) नटल नवीस के द्वारा जमा तिथि को, नटल देवार की 27-8-24

(6) वित्त तिथि से नटल का मुकामबू जमा प्रमाणित किया 27-8-24

(7) नटल देने की तिथि

27-8-24

0

Deposit Pay-in-Slip

Cash/Cheque

Mob. No. _____
Voucher No. _____

The Jhaller Central Co-operative Bank Ltd.

Branch: MATANHALL

Date: 16 / 10 / 20 24

Ledger Folio No. _____
PAN No. _____

| Notes | Rs. | Amount | P. |
|--------------|------|-----------------|----|
| 2000 x | | | |
| 500 x 400 | 2000 | 200000 | |
| 200 x | | | |
| 100 x 350 | 3500 | 35000 | |
| 50 x | | | |
| 20 x 1 | 20 | 200 | |
| 10 x | | | |
| 5 x 1 | 5 | 50 | |
| Coins 4 | 4 | 40 | |
| Total | | 2,35,420 | |

Account No. _____

0003350300001003

Paid into the credit of _____

for term Deposits

the sum of Rupees _____

कॉश/चेक नं./दिनांक
Cash/Cheque No./Date

नाम और शाखा
Name of Bank & Branch

RS.

P.

31101-9
Sig. of Depositor

Total

Acctt. / Manager

श्रीमान प्रताप, प्रशासक
सदस्य
जाला शंकर (हरियाणा)

(=)

| DATE | PARTICULARS | CHEQUE NO. | WITHDRAWALS | DEPOSITS | BALANCE | INITIALS |
|------------|---------------------|------------|-------------|-------------|---------|----------|
| 10-11-2023 | Dr. for NEFT Custom | 009627 | 43611.00 | 627160.97Cr | | |
| 16-11-2023 | Dr. for NEFT Custom | 009628 | 195756.00 | 431404.97Cr | | |
| 30-11-2023 | PAY TO SAROJ DEVI | 9629 | 74750.00 | 356654.97Cr | | |
| 30-11-2023 | PAY TO SAROJ DEVI | 9630 | 40000.00 | 316654.97Cr | | |
| 30-11-2023 | PAY TO SAROJ DEVI | 9631 | 24000.00 | 292654.97Cr | | |
| 30-11-2023 | PAY TO SAROJ DEVI | 9632 | 35250.00 | 257404.97Cr | | |
| 30-11-2023 | PAY TO SAROJ DEVI | 9626 | 126365.00 | 131039.97Cr | | |
| 15-01-2024 | Dr. for NEFT Custom | 009634 | 120000.00 | 11039.97Cr | | |
| 16-03-2024 | Ledger Folio. Charg | | 118.00 | 10921.97Cr | | |
| 16-03-2024 | SMS Charges for MA | | 17.70 | 10904.27Cr | | |

21-06-2024 BY CASH

430000.00 440904.27Cr

29-06-2024 SMS Charges for JU

17.70

440886.57Cr

16-08-2024 BY CASH ANAND

235429.00 976455.57Cr

976455.57Cr

सखरा

ग्राम पंचायत, खारवा

जिला बजट (परिधान)