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**Himachal Pradesh
Public Works Department**

No.PW/SEU/WS/Court Case Daulatpur Chowk/2023-
From

1435

Dated:- 12⁰⁵/
23

The Superintending Engineer
15th Circle HP: PWD Una

To

The Consultant (Judicial),
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
Near India Gate, New Delhi-110001.

Subject:- Original Application No.372/2022 titled as Avinash
Vidhrohi versus State of H.P.pending before the
Hon'ble NGT.

Sir,

Kindly refer to the order dated 28.09.2022 passed
by the Hon'ble National Green Tribunal in aforesaid Original Application
which has been supplied to this office by the Deputy Commissioner, Una
for further necessary action.

In this connection, it is submitted that the Hon'ble
National Green Tribunal vide order dated 28.09.2022 has impleaded the
State of Himachal Pradesh through Chief Secretary Government of
Himachal Pradesh, Principal Chief Conservator of Forests (HoFF)
Government of Himachal Pradesh, Principal Secretary(PWD) to the
Government of Himachal Pradesh, State PCB, District Magistrate Una and
the Contractor- Mr.Rohit Jaswal S/o Shri Narender Jaswal R/o Dangoh,
Tehsil Ghanari District Una, H.P. as respondents No. 1 to 6 respectively and
directed them to file their response/reply to the averments made in the
application and response/objections to the observations made in the
report of Joint Committee within two months at judicial-ngt@gov.in.

In compliance to aforementioned order dated
28.09.2022, the undersigned respectfully submits on behalf of respondent
No.3 as under:-

Response/reply to the averments made in the Application and observations made in the report of Joint Committee.

It is submitted that the above named applicant has alleged in the complaint/letter addressed to Hon'ble National Green Tribunal that H.P. Public Works Department has got pruning of all branches of 200 fruit bearing mango trees standing on Daulatpur –Gagret Guglehar road through a contractor without obtaining permission from the Forest Department and without any tender or work in violation of protective prohibition order passed by Hon'ble High Court of H.P. In reply to the allegations leveled by the above named applicant against the respondent No.3 i.e. Principal Secretary (PWD) to the Government of Himachal Pradesh, it is submitted that on receipt of the copy of O.A.No.372 of 2022 through Deputy Commissioner Una, the undersigned sought the report regarding pruning of mango trees from the Executive Engineer, HP:PWD Division Daulatpur Chowk vide office letter No.9023-24 dated 12.10.2022. The Executive Engineer HPPWD Division Daulatpur Chowk intimated vide his letter No.3102-03 dated 18.10.2022 that no any work for pruning of trees had been awarded to any contractor by his office. It is submitted that PWD executes every work after preparing the estimates according to HPPWD Schedule of Rates. It is pertinent to submit here that no such provision is there in the HPPWD Schedule of Rates according to which the branches of the trees are/can be pruned. The Executive Engineer HPPWD Division Daulatpur Chowk was requested to send the latest status of the case vide office letter No.943-44 dated 26.04.2023 and he has intimated vide his letter No.329-30 dated 11.05.2023 that some part of the Gagret Daulatpur road is related to H.P. Govt. and its possession vests with HPPWD as per revenue record and there are some small Khasra Nos. on both sides of the road which belong to local people of the area but possession is of HPPWD on these Khasra Nos. also. As per report of the Executive Engineer HPPWD Division Daulatpur Chowk, no work of pruning of trees had been awarded to Shri Rohit Jaswal, Contractor S/o Shri Narender Jaswal R/o Dangoh Tehsil Ghanari Distt. Una, H.P. and he had pruned the trees along the Gagret Daulatpur road at his own level without any permission from Forest Department as well as from this Department. Therefore, taking in consideration, the report of the Executive Engineer HPPWD Division Daulatpur Chowk and the F.I.R.No.38/2022 lodged against the above named contractor, a Show Cause Notice has been issued to Contractor Shri Rohit Jaswal under HPPWD Enlistment Rules-2021 for responding within three days from the issue of the Show Cause Notice failing which the action under relevant clause of HPPWD Enlistment Rules, 2021 will be initiated against the Contractor.

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Further, the directions have been issued to the field staff i.e. Assistant Engineers, Junior Engineers and their subordinate staff to keep strict vigil on all the roads under their jurisdiction to avoid such type of illegal activity on the roads in future.

The reply/response is submitted for favour of consideration of the Hon'ble National Green Tribunal and the same may kindly be accepted.

Yours faithfully,



(Er. G.S.Rana)
Superintending Engineer,
15th Circle HP: PWD Una.

No.PW/SEU/WS/Court Case Daulatpur Chowk/2023-

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Dated:- 11th
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"SHOW CAUSE NOTICE"

Whereas an O.A.No.372/2022 titled as Avinash Vidhrohi versus State of H.P. regarding pruning of 200 Nos Mango trees on Gagret Daulatpur road has been filed in the National Green Tribunal New Delhi.

Whereas the Deputy Commissioner Una supplied the copy of O.A.No.372/2022 vide his letter No.194-98/ADC/LFA dated 04.10.2022 on which this office sought the report regarding pruning of mango trees from the Executive Engineer HPPWD Division Daulatpur Chowk vide this office letter No.9023-24 dated 12.10.2022.

Whereas the Executive Engineer HPPWD Division Daulatpur Chowk has intimated regarding pruning of trees on Gagret Daulatpur road vide his office letter No.3102-03 dated 18.10.2022 that no such work had been awarded to the contractor Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P. by the department.

Whereas an FIR No.38/2022 dated 29.03.2022 U/S 379 IPC & 32,33 IF Act has been lodged against Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P. in Police Station Gagret.

Whereas Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P.is a registered class -C Govt. Contractor of this department, but he was not awarded any work regarding pruning of trees as per report of the Executive Engineer HPPWD Division Daulatpur Chowk.

Whereas the Executive Engineer HPPWD Division Daulatpur Chowk has further intimated vide his letter No.329;30 dated 11.05.2023 that some part of the Gagret Daulatpur road is related to H.P. Govt. & possession vests with HPPWD as per revenue record and there are some small Khasra Nos.on both sides of the road which belong to local people of the area, but the possession is of HPPWD on these Khasra Nos. also.

Whereas the possession of the land under Gagret Daulatpur road is with the HPPWD Department and the trees along it have been pruned by the contractor Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P.at his own accord.

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Now, whereas the contractor Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P.has acted illegally and rendered himself liable for action under H.P.Govt. Enlistment Rules.

Whereas the undersigned considered it necessary to serve a show cause notice to the said contractor for explaining the reasons for pruning the mango trees on Gagret Daulatpur Chowk road without any permission from the Forest Department as well as from this department.

Therefore, this show cause notice is hereby served upon Shri Rohit Jaswal S/O Sh.Narender Jaswal R/O Dangoh Tehsil Ghanari Distt.Una, H.P. that why did he prune the mango trees on Gagret Daulatpur road without permission from Forest Department as well as from this department and why not action be taken against him under relevant clauses of H.P.Govt. Enlistment Rules.

The reply should reach the undersigned within three days positively from the issue of this Show Cause Notice, failing which it will be presumed that he has nothing to say in his defence and the department will take action against him under relevant clause of the H.P.Govt. Enlistment Rules.

Registered

Sh.Rohit Jaswal S/O Sh.Narender Jaswal
R/O Dangoh Tehsil Ghanari Distt.Una


(Er. G.S.Rana)
Superintending Engineer,
15th Circle HP: PWD Una.

Copy to the Deputy Commissioner Una for information please.

Copy to the Divisional Forest Officer Una for information please.

Copy to the Executive Engineer, Daulatpur Division HPPWD Daulatpur Chowk for information.


Superintending Engineer,
15th Circle HP: PWD Una