



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 14.07.2017  
CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
and  
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.(MD)No.835 of 2017  
and  
C.M.P(MD) .No.5738 of 2017

1.The Conservator of Forest,  
Office of the Conservator,  
Virudhunagar Circle,  
Collectorate, Virudhunagar,  
Virudhunagar District.

2.The Wildlife Warden,  
O/o.Grizzled Squirrel  
Wild Life Sanctuary,  
Srivilliputhur,  
Virudhunagar District.

...Appellants

vs.

K.Bharathi

... Respondent

Prayer : Writ appeal is filed under Clause 15 of Letters Patent to set aside the order dated 21.02.2014 in W.P(MD).No.1794 of 2012 on the file of this Court.

**Prayer in WP(MD). 1794/ 2012 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings No. C/7419/2011 dated 30.12.2011 confirming the order of dismissal passed by the 2nd respondent in his proceedings in Na.Ka.No.1040/2006 Pa dated 24.06.2011 and quash the same as illegal.

|                |                                                     |
|----------------|-----------------------------------------------------|
| For Appellant  | : Mr.T.S.Mohamed Mohideen, AGP                      |
| For Respondent | : Mr.C.Venkatesh Kumar for<br>M/s.Ajmal Associates. |

#### J U D G M E N T

(Judgment of the Court was made by G.R.SWAMINATHAN, J.)

The official respondents in the writ petition have filed this writ appeal questioning the order dated 21 February 2014 in WP (MD).No.1794 of 2012.



2.The respondent herein was appointed as Forest Guard cum Driver on 20 November 2009 in the office of the Forest Range Office, Srivilliputhur, Virudhunagar District.

3.He was earlier facing criminal prosecution in C.C.No.04 of 2005 on the file of the Judicial Magistrate No.1, Sattur which ended in conviction. Aggrieved by the same, the writ petitioner filed C.A.No.151/2006 before the Principal Sessions Judge, which was allowed on 21 April 2009 and he was fully acquitted. While so, the charge memo dated 05 January 2010 came to be issued framing three charges. The prime allegation was that the writ petitioner had committed the offence of bigamy. The writ petitioner was ultimately dismissed from service by order dated 24 June 2011. Aggrieved by the said order of dismissal, he filed W.P.(MD).1794 of 2012.

4.The learned single Judge held that in the order impugned in the writ petition, no reasons have been assigned. The entire onus had been placed on the writ petitioner to disprove the charges. The submissions made by the writ petitioner were not considered. The original order of the dismissal as well as the order of the appellate authority were cryptic. The order acquitting the writ petitioner in C.A.No.151 of 2006 was also not considered by the authorities. Taking into account the totality of circumstances, the writ petition was allowed and the respondents were directed to reinstate the writ petitioner with all attendant benefits. It is against this order that the present appeal has been filed.

5.We have heard the learned counsel for the appellant as well as the respondents.

6.The learned Additional Government Pleader contended that the writ petitioner had committed the misconduct of bigamy. But, the said contention cannot survive in view of the judgment of acquittal made in C.A.No.151 of 2006. No grounds have been made out for interfering with the well considered order of the learned single Judge.

7.This appeal is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-  
Assistant Registrar(CS-II)

/ True Copy /

Sub Assistant Registrar(C.S.)



TO

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+1cc to M/S.AJMAL ASSOCIATES, Advocate SR.No.65745

+1cc to Special Government Pleader, SR.No.65916

SKM/ARUL

MAS/SV/SAR2:26.07.2017:3P-5C

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