

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.7.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1501 of 2018  
and  
C.M.P.No.11862 of 2018

1. The State of Tamil Nadu  
rep. by its Special Secretary to Government,  
Animal Husbandry Dairying and Fisheries  
Department, Fort St. George,  
Chennai 600 009.
  2. The Commissioner of Animal Husbandry  
and Veterinary Services,  
Chennai 600 006.
  3. The Regional Joint Director of  
Animal Husbandry (Addl. I/c.)  
Vellore, Vellore District.
- Appellants/Respondents

Versus

P.Murugan

Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 8.11.2016 passed in W.P.No.26215 of 2013 on the file of this court. Prayer in WP.6215/2013. Writ petition filed under Article 226 of the constitution of India to issue a writ of certiorarified Mandamus or any other appropriate writ or order or direction in nature of writ of call for the records connected in Na.Ka. No.7150/A4/ 2001-2 dated 28.3.2005 passed by the 3rd respondent and quash the same and consequently direct the respondents to reinstate the petitioner in to service in the Lower Post of Flockman as given to Mr.P.Sekar P.Palanivelu V.G.Sekar and V.Manikkam in pursuant to the order of the Honourable High Court in W.P.No.19063 of 2004 dated 16.02.2008 W.P.No.18294 of 2009 dated 19.04.2010 W.P.No.14579 of 2005 dated 29.02.2012 and W.P.No.31318 of 2005 dated 29.02.2012 respectively and pass such further other relief (or) orders.

For appellant : Mr.P.S.Sivashanmugasundaram,  
Special Government Pleader

## JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants.

2. The writ appeal has been filed by the State challenging the order passed by the learned Single Judge in modifying the punishment of dismissal from service imposed on the respondent herein to one of reversion and directing the appellants to compute the retirement benefits due to the respondent herein.

3. It appears that the respondent herein was originally appointed as Flock Man on 11.6.1984 and thereafter, he was promoted to the post of Livestock Inspector based on his qualification viz., SSLC, however, subsequently, on finding that such a certificate produced is a bogus one, he was dismissed from service. In the writ petition filed by the respondent herein challenging such order of dismissal from service, the learned Single Judge, relying upon the precedents of similar nature, has modified the punishment of dismissal from service into one of reversion to the lower post viz., Flock Man for which the qualification of passing of SSLC is not necessary.

4. Having heard the learned Special Government Pleader appearing for the appellants and perused the materials available on record, we find that the learned Single Judge has rightly appreciated the fact that the qualification of passing of SSLC is not necessary for the original post to which the respondent herein was appointed. It is also pertinent to note that the learned Single Judge has taken into consideration that in similar cases the punishment was modified as one of reversion on the ground that a Criminal Case is pending and the question as to whether the petitioner therein had knowingly utilised the false mark sheet would be decided in such case and as of then, there was no finding nor any material to indicate that the petitioner therein had knowingly submitted a false mark sheet, and accordingly, in the case on hand, the learned Single Judge has modified the punishment of dismissal from service into one of reversion, however, holding that the respondent herein shall not be entitled for backwages.

5. In such view of the matter, we do not find any reason to interfere with the order passed by the learned Single Judge. The appellants are directed to comply with the order passed by the learned Single Judge within a period of two months from the date of receipt of a copy of this judgment. Accordingly, the writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk

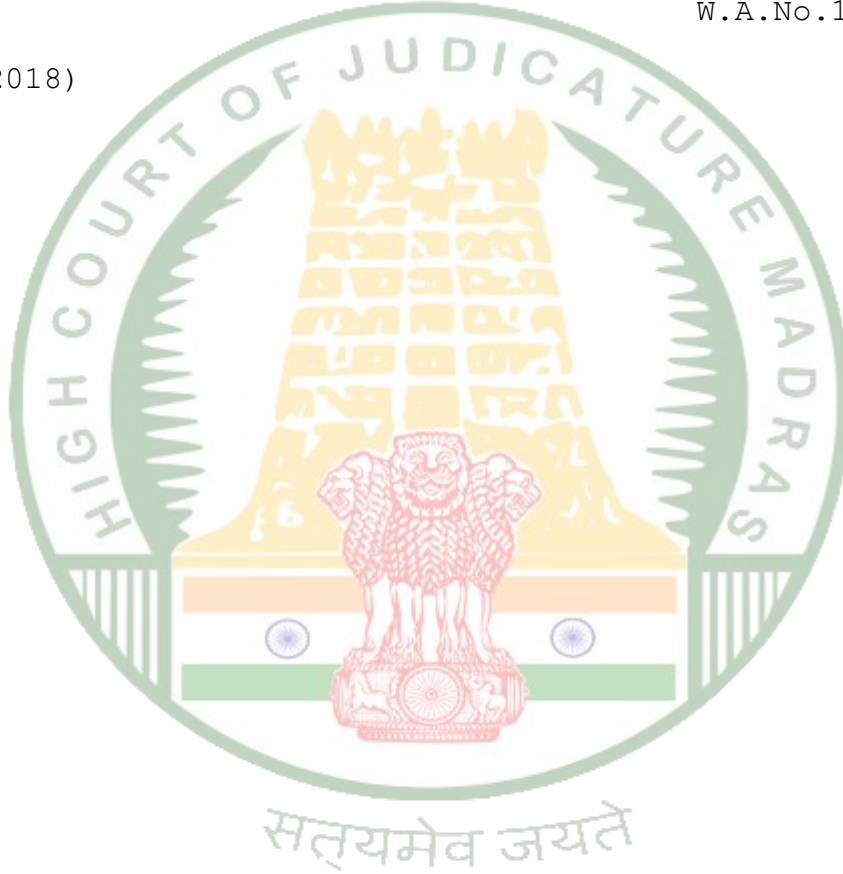
To:

1. The State of Tamil Nadu  
rep. by its Special Secretary to Government,  
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2. The Commissioner of Animal Husbandry  
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3. The Regional Joint Director of  
Animal Husbandry (Addl. I/c.)  
Vellore, Vellore District.

+ 1 cc to Mr.G. Elanchezhian, Advocate Sr.50154

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AK(CO)  
EU(10/09/2018)



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