



W.A(MD)No.79 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.79 of 2025
and
CMP(MD)No.426 of 2025**

1.The Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai – 600 015.

2.The Additional Chief Conservator of Forest,
Tirunelveli.

3.The Deputy Director/Wild Life Warden,
Tiger Project,
Ambasamudram,
Tirunelveli District.

4.The Forest Range Officer,
Tiger Project,
Mundanthurai Forest Office,
Ambasamudram,
Tirunelveli District.

... Appellants

vs.

S.Manikandan

... Respondent



W.A(MD)No.79 of 2025

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 01.08.2024 made in W.P(MD)No.11294 of 2021.

For Appellants : Mr.S.S.Madhavan
Additional Government Pleader
For Respondent : Mr.V.Panneer Selvam

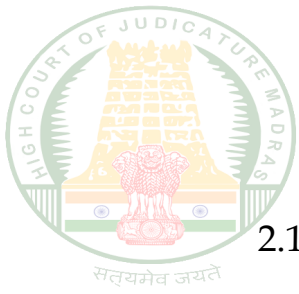
JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order dated 01.08.2024 made in W.P(MD)No.11294 of 2021.

2. The facts leading to the filing of the writ appeal are as follows:

The respondent / writ petitioner was appointed as Anti Poaching Watcher on 01.08.2005. After 15 years of service, he was regularised on 25.02.2021, by the 1st appellant. However, immediately on the next day of regularization, he was terminated from service by order dated 26.02.2021, which was communicated to him on 03.05.2021. Challenging the said order, the respondent filed writ petition.

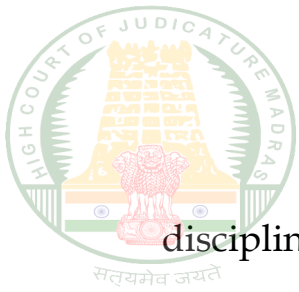


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2.1. Before the Writ Court, the respondent contended that he had rendered 15 years of unblemished service. However, without putting him on notice and without serving him with relevant documents, the termination order has been passed, that too was communicated after a period of two months and therefore the said order is *per se* illegal.

2.2. The appellants filed counter in the writ petition, contending that the appointment of the respondent in 2005 was purely on temporary basis and he had indulged in illegal activities like, selling liquor bottles and narcotics to the tourists and public. In this regard, several complaints were received against him. Based on the same, a departmental enquiry was conducted and he was discontinued from service on 08.06.2020. Ultimately, by order dated 26.02.2021, the respondent was terminated from service. Since the respondent refused to receive the termination order, it was sent to him through registered post on 28.04.2021.

2.3. The Writ Court finding that the respondent was terminated immediately on the next day of regularisation, without initiating any



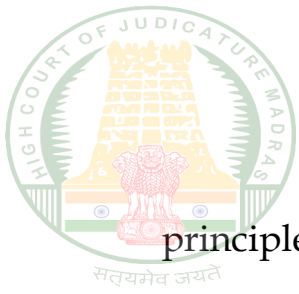
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disciplinary action against him in accordance with law and without affording any opportunity of hearing, dismissed the writ petition, holding that the termination order is *per se* illegal. Aggrieved by the said order, the department has filed this appeal.

3. Learned Additional Government Pleader appearing for the appellants would contend that the respondent had indulged in illegal activities such as, selling liquor bottles and narcotics substances inside the tiger reserve areas to the tourists and public, who visited the tiger reserve and therefore, finding that his continuance in the Forest Department will be detrimental to the department, the appellants terminated him from service. The Writ Court without analysing the said fact in proper perspective, has erroneously dismissed the writ petition. Thus, the learned counsel prayed for setting aside the order passed by the Writ Court.

4. Learned counsel for the respondent would state that absolutely no departmental action was initiated to prove the charges of illegal activities alleged against the respondent and violating all the



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principles of natural justice, termination order has been passed and taking note of such violation, the Writ Court has rightly set aside the termination order, which does not warrant interference at the hands of this Court.

5. Heard both sides.

6. The appointment of the respondent as Anti Poaching Watcher in the year 2005 on temporary basis is not disputed. On the allegation of the illegal activities narrated supra, the respondent was discontinued from service from 08.06.2020. However, it is not known as to how the respondent's services were regularised subsequently on 25.02.2021, by the order of the Principal Chief Conservator of Forests. Even assuming that the respondent had indulged in illegal activities of selling liquor bottles and narcotics substances inside the tiger reserve areas to the tourists and public, who visited that place, the appellants ought to have initiated departmental action in accordance with law, by issuing charge memo framing charges, conducting enquiry, by giving adequate opportunity to the respondent to rebut the allegations levelled



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against him and then should have passed final orders. In this case, none

of the procedure contemplated under the Tamil Nadu Civil Services (Discipline and Appeal) Rules have been followed.

7. Though the appellants would contend that termination order was passed pursuant to the departmental enquiry conducted, absolutely no materials have been placed before this Court to buttress the said contention. The appellants also would contend that the provisions of Tamil Nadu Civil Services (Discipline and Appeal) Rules are not applicable to the respondent. Even assuming that the said contention is accepted, law mandates 'Audi alteram partem' - It is the principle that no person should be judged without a fair hearing in which each party is given the opportunity to respond to the evidence against them. In this case, there is a conspicuous absence of the said principle, by not following the principles of natural justice. Therefore, the Writ Court holding that the termination order is *per se* illegal, has quashed the same with a direction to reinstate the respondent. Regarding the departmental action, the Writ Court has also remitted the matter to the appellants for fresh consideration, after giving notice to the



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respondent along with all the documents pertaining to the disciplinary proceedings. However, without deciding the matter afresh, the appellants have come forward with this appeal which does not reflect bona fide. Thus, we do not find any infirmity or perversity in the order passed by the Writ Court.

8. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B, J.] [S.S.Y, J.]
24.02.2025

Index : Yes / No
Neutral Citation : Yes / No
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