

- 1 -

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF NOVEMBER 2007

BEFORE

THE HON'BLE MR. JUSTICE N.K.PATIL

WRIT PETITION NO.8106 OF 2005(S-DIB)

BETWEEN:

- 1 A V SAJAN
S/O A R VASUDEVAN
AGED ABOUT 31 YEARS
R/AT NO 896, 5TH B CROSS, 10TH MAIN ROAD
NEAR R K TRAVELS, VIJAYA BANK LAYOUT
BANGALORE-76 ... PETITIONER

(By Sriyuths: N Y GURUPRAKASH &
VIJAYAKUMAR, ADVOCATES)

AND :

- 1 THE STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY
FOREST DEPARTMENT
VIDHANA SOUDHA, BANGALORE-1
- 2 THE MANAGING DIRECTOR
JUNGLE LODGES AND RESORTS LIMITED
OFFICE AT II FLOOR, BRUNGHAR COMPLEX
M.G.ROAD, BANGALORE-1
- 3 THE EXECUTIVE DIRECTOR
JUNGLE LODGES AND RESORTS LIMITED
OFFICE AT II FLOOR, BRUNGHAR COMPLEX
M.G.ROAD, BANGALORE-1 ... RESPONDENTS

(By Sri: H.T.NARENDRA PRASAD, HOGP FOR R1 &
SRI MALLINATH S.MAKA, ADVOCATE, FOR R-2 TO 4)

W.P.NO.8106/05

- 2 -

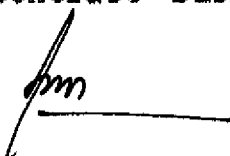
THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DT. 25.1.2005 VIDE ANX.H, BY DECLARING THE SAME AS ILLEGAL AND CONSEQUENTLY, DIRECT THE RESPONDENTS TO REINSTATE THE PETITIONER BACK INTO SERVICE AT THE KABINI RIVER LODGE UNIT & DIRECT THE RESPONDENTS TO PAY ALL THE WAGES AND PROVIDE ALL THE FACILITIES AND PERQUISITES AS AGREED UPON TILL THE TERMINATION OF THE CONTRACT IN AUGUST 2007, AS PER ANX.F.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioner questioning the correctness of the order dated 25-1-2005 vide Annexure-H and to declare the same as illegal and consequently, direct the respondents to reinstate the petitioner back into service at Kabini River Lodge Unit and further to issue direction to the respondent to pay all the wages and provide all the facilities and perquisites as agreed upon till the termination of the contract in August, 2007, vide Annexure-F has presented in the instant Writ Petition.

2. The case of the petitioner in the instant Writ Petition is that, he was appointed as a Naturalist on contract basis for one year vide



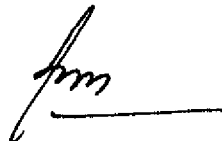
W.P.NO.8106/05

contract dated 10th July, 1999, at Kabini River Lodge, Karapur. He resigned from his duty. Thereafter another two Naturalists working on contract basis left service. On 16th August, 2004, the petitioner was again appointed on a contract basis as a Naturalist for a period of three years subject to certain terms and conditions. When things stood thus, the petitioner instead of discharging his duties as per the terms and conditions of appointment which was made purely on contract basis and while he was in-charge of a particular area, when enquiries were made with the BRT staff where the petitioner had worked earlier, in order to assess if there is a solitary allegation or there are any previous incidents as well, a report was submitted on 28th December, 2004, by jurisdictional competent Area Officer to the effect that the petitioner has violated the Rules agreed upon by Jungle Lodges & Resorts regarding Jungle safari. It is also stated therein that he has indeed gone to the extent of breaking a gate lock and chain in Nagarahole National Park which is a serious offence under Wildlife Act 1972. Thereafter, a



W.P.NO.8106/05

show cause notice was issued to the petitioner. But, the reasons assigned are not in conformity with the terms and conditions of appointment. It is the further case of the respondent that the petitioner's previous record also proves that he has been impolite to his seniors of JLR as well as officers from KFD on a number of occasions. It has also been proved that he is in the habit of smoking and drinking heavily which is not in conformity with his duty requirements. Therefore, it is observed that the activities of the petitioner are not only of unbecoming but some of them are offences which are serious nature. The petitioner being an employee of JLR has committed these violations and offences in the name of JLR. Hence, the activities of the petitioner are contrary to the principles of conservation and the Rules framed by the Government. In that view of the matter, after affording an opportunity to the petitioner and after considering his reply the appointment of the petitioner as a Naturalist has been cancelled immediately. Being aggrieved by the order passed by the competent authority vide Annexure-H dated



W.P.NO.8106/05

25th June, 2005, bearing No.JLR/2004-05/575 the petitioner felt necessitated to present the instant Writ Petition seeking the appropriate relief.

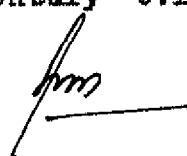
3. I have heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. After perusal of the Official Memorandum dated 25th January, 2005, passed by the Managing Director-the 2nd respondent herein, it emerges that the 2nd respondent after conducting enquiry and after affording an opportunity to the petitioner and after considering his reply to the show-cause notice and after perusal of the report submitted by the jurisdictional competent area Officer dated 28th December, 2004, has recorded a finding by assigning cogent reasons that the petitioner has gone to the extent of breaking a gate lock and chain in Nagarhole National Park, which is a serious offence under the Wildlife Act, 1972. Further, it is revealed that the petitioner has been impolite to his seniors of



W.P.NO.8106/05

JLR as well as officers from KFD on a number of occasions. Further it is also proved from the material available on record, that the petitioner is in the habit of smoking and drinking heavily which is not in conformity with the Rules. These activities and conduct of the petitioner are offences which are serious in nature. The petitioner being an employee of JLR has violated the Rules and committed serious offence which is not in conformity with the principles of conservation and the Rules framed by the Government. Therefore, the activities of the petitioner are not only counter productive for the image of JLR and principles of eco-tourism but also spoil the relationship and goodwill between Karnataka Forest Department and JLR. Hence JLR cannot afford to bear with these offences and behavioral lapses. The said reasons assigned by the 2nd respondent is after critical evaluation of the relevant material available on the file and after affording an opportunity to the petitioner. In view of recording of concurrent finding of fact after appreciation of oral and documentary evidence available on the



W.P.NO.8106/05

- 7 -

file, interference by this Court is not justifiable, that too when he has been appointed on contract basis. Taking into consideration the totality of the facts & circumstances of the case as stated above, I decline to interfere with the order passed by the competent authority. Hence, the Writ Petition is dismissed as being devoid of merits.

Sd/-
Judge

Rsk/-