

(2001) 04 AP CK 0003

In the Andhra Pradesh High Court

Case No : Writ Petition No. 21127 of 1999

Puvvula Venkata Satyanarayana Murthy

APPELLANT

Vs

Govt. of A.P and others

RESPONDENT

Date of Decision : 16-04-2001

Acts Referred:

Andhra Pradesh Civil Services (Conduct) Rules, 1964 — Rule 3
Andhra Pradesh Gaming Act, 1974 — Section 9(1)
Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 167(2), 317, 320(2), 320(8)
Penal Code, 1860 (IPC) — Section 324

Citation : (2001) 3 ALD 724

Hon'ble Judges : S.R. Nayak, J;S. Ananda Reddy, J

Bench : Division Bench

Advocate : Mr. P. Sri Raghuram, for the Appellant; Government Pleader for Home and Mr. C.V. Nagarjuna Reddy, SC, for the Respondent

Judgement

S.R. Nayak, J

1. The petitioner while serving as II Additional District Munsif, Kovvur, West Godavari District, was dismissed from service after holding-a departmental enquiry against him. The charges framed against the petitioner are the following:

Charee No.1: That you Sri P.V. Satyanarayanmurthy, while working as II Addl. District Munsif, Kovvur, West Godavari District disposed off STC No.589/96 on 8-7-1996 which was filed u/s 9(1) of the A.P. Gaming Act, in which the accused are 46 in number and the amount seized in that case was Rs.1,03,000/- and they admitted the offence and they were convicted and sentenced by you to pay a fine of Rs.300/- each in default to suffer simple imprisonment for a period of 30 days each. Whereas in similar cases u/s 9(1) of A.P. Gaming Act, which were disposed of by you i.e., in STC No.584/96, the amount seized was only Rs.156/- and on the admission made by the accused, you convicted them on 5-7-1996 and sentenced them to suffer simple imprisonment for 15 days; in STC. No.597/96, the amount seized was Rs.7,437/- and on the admission made by the

accused, you convicted them on 16-7-1996 and sentenced them to suffer simple imprisonment for 15 days; in STC 604/96 the amount seized was Rs.275/- and on the admission made by the accused, you convicted them on 23-7-1996 and sentenced them to suffer simple imprisonment for 15 days; in STC No.625/96, the amount seized was Rs.215/- and on the admission made by the accused, you convicted them on 20-8-1996 and sentenced them to suffer simple imprisonment for 15 days; in STC No.642/96, the amount seized was Rs.170/- and on the admission made by the accused, you convicted them on 6-9-1996 and sentenced them to suffer simple imprisonment for 30 days; in STC No.712/96, the amount seized was Rs.25/- and on the admission made by the accused, you convicted him on 28-10-1996 and sentenced him to suffer simple imprisonment for 30 days, and in STC No.742/96 the amount seized was Rs.90/- and on the admission made by the accused, you convicted them on 3-12-1996 and sentenced them to suffer simple imprisonment for 30 days. Thus, you let off the accused in STC No.589/ 96 by imposing a nominal fine of Rs.300/-for each accused in a sensational case without assigning any reason, wherein big persons are the accused, contrary to imposing of imprisonment as in the other cases referred to above and that you have imposed only fine in that case by the influence of Konduri Gangaraju for some extraneous consideration and thus misconducted yourself and thereby you are guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1974.

Choree No. 2i_That you were given a motor cycle for imposing a fine only in STC No.589/96 u/s 9(1) of A.P. Gaming Act contrary to the sentence of imprisonment imposed to the accused in similar cases u/s 9(1) of A.P. Gaming Act which were disposed of by you in STC No.584/96, 497/96, 604/96, 625/96, 642/96, 712/96 and 742/ 96 and thus misconducted yourself and thereby you are guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Amended Charge No.3: That you are in the habit of dismissing the petitions filed u/s 70(2) Cr.PC for recalling NBWs pending against the accused and remanding the accused to judicial custody without granting bail on the same day, in which the bail applications were filed and you have dismissed the petition in CrI. MP No.6324/96 in CC No. 171/91 on 18-9-1996 which was filed u/s 70(2) Cr.PC and dismissed the petition in CrI. MP No.6341/96 in CC No. 171/91 on 19-9-1996 which was filed u/s 437 Cr.PC for grant of bail, but contrary to that in a batch of STCs i.e., STC Nos.442/93 to 512/93, even though NBWs were pending against the accused since a long time, you granted bail on the same day in which bail applications were filed and you were paid Rs.10,000/- for granting bail to the accused in those cases and also you have allowed the petition in CrI. MP No. 10242/95 in CC No.218/93 filed u/s 70(2) Cr.PC and thereby you are guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No.4:_That you heard arguments in CC No.392/91 on 17-9-1996 and

posted the case to 19-9-1996 for reply of A.P.P. On 19-9-1996 itself you have dictated the judgment in CC Nos.320/91 and 392/91 to the Steno, as per the Steno note book. In the judgment in CCNo.392/91, the date of judgment was originally typed as "Thursday, the 19th day of September, 1996" and thereafter, it was typed as "Friday" and the date "20" was typed on the date "19" and subsequently you wrote "Monday, 23rd by striking off "Thursday" and "Friday" and the date "20" typed in the judgment and also corrected the date as "23rd" by you by striking off the date typed as "20th" in the last page of the judgment at the place, "this the 23rd day of September, 1996". As per your judgment, it is an acquittal case. As per Section 353(6), if it is an acquittal judgment, the judgment can be pronounced in the absence of the accused, but you did not pronounce the judgment on that day, even though the Counsel for the accused Sri P. V.K. Rangarao (AI) in that case held filed petition to condone his absence and to pronounce the judgment or to postpone the judgment, but you have dismissed the said petition and issued NBW on 19-9-1996 against AI. On 23-9-1996, AI was made to stand from morning till 5.00 p.m., in the accused dock, as he belongs to the Congress party and he is the opponent of the local Telugu Desam Party ML A SriP. Krisfinababu and in the lunch hour on that day, when he approached Smt. P.A. Jyothi, A.P.P. Grade-II, she advised him to pay Rs.2000/- to your wife through one Thammayya, Court constable of Chagallu P.S. and that your wife will telephone to you to release A.1 from the accused dock and thereafter, after completing the said transaction, you pronounced the judgment on that day, acquitting A.1 and others in that case and thereby you are guilty of misconduct and contravention of Rule 3 of A.P. Civil Service (Conduct) Rules, 1964.

Amended Charge No. 5: That you allowed CrI. MP No. 1537/97 in CC No.132/95 filed u/s 320(2) and (8) Cr.PC and acquitted the accused on 14-3-1997. Whereas the compromise petition in CrI.MP No.1615/97 and 1566/97 in CC No.315/91 filed u/s 320(2) and (8) Cr.PC and 17-3-1997 by Sri P. Venkateswara Rao, Advocate, Kowur, were dismissed on 25-3-1997 and the accused was convicted on 25-3-1997 in the above CC No.315/91 as you suspected Sri P. Venkateswara Rao, Advocate as one of the advocates who sent petition against you to the District Judge, Eluru, West Godavari District and High Court of A.P. and thereby you are guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No.6: That you have dismissed the bail application on 13-11-1996 which was filed by Sri P. Venkateswara Rao, Advocate in CrI. MP No.7144/96 in Cr.No.80/96 of Polavaram P.S. which was subsequently registered as CC No.86/97, for grant of bail to the accused and the accused were not granted bail on that day, on which the bail application was filed, even though the name of the accused for whom he appeared, do not find place in the FIR or in the report. Again the said advocate filed 2nd bail application in CrI. MP No.1766/96 in Cr.No.80/96 of Polavaram P.S. on 14-11-1996 and the bail was granted on the same day, except for A8. Again, the said advocate filed 3rd bail application in CrI.

MP No.7204/96 in Cr.No.80/96 of Polavaram P.S. on 15-11-1996 for A8 and on the same day, conditional bail was granted for A.8. Hence the prime accused A1 and A2 in that case had to engage Sri Y. Srinivasa Rao, advocate and the said Y. Srinivasa Rao filed Crl. MP No.2477/97 on 28-4-1997 and surrendered A2 and filed bail application in Crl. MP No.2478/97 on 28-4-1997 and you have granted bail to A2 on the same day. The said advocate Sri Y. Srinivasa Rao filed Crl. MP No.2517/97 on 29-4-1997 in the said case and surrendered A1 and on the same day, filed bail application in Crl. MP No.2544/ 97 for grant of bail for A1 and bail was granted on the same day by you. Thus, you showed undue favouritism to Sri Y. Srinivasa Rao, advocate to get more briefs to him and also for some extraneous consideration and that you thereby guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No.7: That Sri P. Venkateswara Rao, Advocate filed bail application in Crl.MPNo.5558/95 in Cr.No.30/95 u/s 167(2)(c)(i) Cr.PC on 4-9-1995 by giving notice to A.P.P. on the same day and mat date 90 days judicial custody of the accused was over. The A.P.P. endorsed on the petition as opposed, as it is a Sessions Case triable by Sessions Court. But you heard the petitioner Counsel arguments on the same day and posted to 5-9-1995 to hear the A.P.P., and from 5-9-1995 to 6-9-1995 and on 6-9-1995 charge-sheet was filed at 5.00 p.m. and then you heard the A.P.P. and passed orders on 7-9-1995 dismissing the petition. You did not dispose off the said bail application on 4-9-1995 and postponed the same for 5 days as the charge-sheet was not filed and in the meanwhile you contacted the police and got the charge-sheet filed and the bail application was dismissed on the ground that Sri P. Venkateswara Rao, Advocate, sent a petition against you and thereby you are guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No.8: That you were amenable to be influenced by the Court Constables, Thammayya of Chagallu P.S. and Lakshmanarao of Kovvur P.S. (who recently retired) and one V. Prabhakararao, S.I. of Police, Chagallu P.S. and Sri Kiran, Prop. of Kiran Jewellery Shop, Kowur and Smt. P.A. Jyothi, A.P.P. Grade II who recently transferred to Palakol and on their influence, you have passed favourable judgments and orders in bail applications for extraneous consideration and thereby you are guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No.9: That you are not in the habit of condoning the absence of the accused when the applications are filed u/s 317 Cr.PC by some of the advocates and the accused to whom Md. Yakob, advocate, Kovvur appeared in CC No.136/88 the accused to whom D. Tatarao, advocate appeared in CC No.471/93 and the accused to whom J. Venkataramana, advocate appeared in CC No.469/95, have changed the Advocates on record and engaged Sri V. V. Subbarao, advocate to conduct the above said cases and in those cases, the applications u/s 317 Cr.PC to condone the absence of the accused were filed either by Sri V.V. Subbarao or his junior advocates and the same were allowed.

Whereas the petition filed by Al u/s 317 Cr.PC in CrI.MP No.6355/96 in CC No.392/91 was dismissed and thus you showed undue favouritism to Sri V.V. Subbarao, advocate to get more briefs to him and also for some extraneous consideration and thereby you are guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No. 10: That you pronounced judgments in 8 cases on 11-3-1997. Out of the said 8 cases, 7 cases were acquitted and you convicted accused in CC No.352/91 for the offence u/s 324 IPC and in that case, except PW1 the rest of the witnesses turned hostile and the evidence of PW1 is not consistent with Ex.PI report, but inspite of it, you convicted the accused in the said CCNo.352/91 on the ground that the said case was conducted by Sri A. Satyanarayana, advocate and that he sent petition against you to the District Judge, Eluru, West Godavari District and High Court of A.P. and that you pronounced the judgment in that case with bias and thereby you are guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No.11: That you acquitted the accused in CC No.293/91 on 3-10-1996 because Sri V.V. Subba Rao, advocate appeared for the accused and you showed undue favouritism to Sri V. V. Subba Rao, advocate to get more briefs to him and for some extraneous consideration and that you thereby guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No. 12: That Sri RangaPrasad, a rich man, who is the accused in CCNo.324/90 and 366/90 approached Smt. Vijayasri, advocate, who is the wife of Sri Bhanuprasad, another advocate and went to Narasaraopeta and paid Rs.10,000/- to you and you acquitted him in the said cases and that you are thereby guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No.13: That Sri M.S.R. Prasad, advocate, appeared for accused in CC No.291/90 and in that case, police seized only 43 playing cards out of 52 playing cards. Ignoring the said discrepancy, you convicted the accused in that case by giving reason that you went to the property room and found the remaining 9 playing cards in the property room, suspecting that Sri M.S.R. Prasad, advocate is one of the advocates, who sent petition against you to the District Judge, Eluru, West Godavari District and the High Court of A.P., and thereby you are guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No. 14: That Sri M.S.R. Prasad, advocate appeared for the accused in CC No.214/91. In that case, the de facto complainant is one Sri Porumamidi Gandhi, who is the right hand of the local MLA Sri P. Krishnababu of Kovvur and the de facto complainant influenced you through the said local MLA to convict the accused in that case and thereby you have convicted the accused for the offence u/s 324 IPC. In that case even though there is no evidence on record and in that case you were paid Rs.5,000/- by the de facto complainant and that you thereby

guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No.15: That Sri D. Saibaba, advocate appeared for the husband in MC No.24/92 and it was dismissed by you for extraneous consideration, though there is material for grant of maintenance and that you thereby guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No. 16: That Sri V. V. Subha Rao, Sri D. Saibaba, Sri Bhanuprasad and Smt. Vijayasri, advocates frequently visiting your house and you were doing favour in the cases, where Sri V. V. Subba Rao, Sri D. Saibaba and Sri Bhanuprasad, advocates were appearing, to get more briefs for them and also for some extraneous consideration and that you thereby guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules.

Charge No. 17: That you got your wife Smt. Vijayalakshmi transferred from Sathenapalli of Guntur District to West Godavari District by way of Special GO under 6-A formula and for that purpose you approached the local Telugu Desam Party leaders viz., Sri P. Gangaraju and Sri M. Satyanarayana and the local Telugu Desam Party MLA Sri P. Krishnababu and that therefore, they used influence on you for favourable orders in criminal cases and bail applications and accordingly you have passed favourable orders on their influence and also for extraneous consideration and that you thereby guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

Charge No. 18: That you Sri P.V. Satyanarayanamurthy, while prosecuting your studies, married one Pachigolla Kamala in a temple and lived with her at Khammam even after you secured job as Munsif Magistrate and after your transfer to Kovvur, you left her at Narasaraopeta on the pretext that after securing a house at Kovvur, you will take her. Thereafter, you married another woman Smt. Vijayalakshmi as your second wife and that your first wife Kamala was given a small house belonging to you at Narasaraopeta for her stay and that you sent Rs.500/- per month her for some time and thereafter you enhanced the amount from Rs.500/-to Rs.1,000/- and sending the same to her towards her expenses as she being your first wife and thus while you are in service, you married Smt. Vijayalakshmi as your second wife, which is a misconduct of bigamy and that you thereby guilty of misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules, 1964.

2. The I Additional District Judge, East Godavari at Rajahmundry was appointed as the Enquiry Officer by the High Court. After holding a regular departmental enquiry against the petitioner and on appreciation of oral and documentary evidence, the Enquiry Officer recorded the finding that only charge Nos.1 to7, 9and 18 are proved and the remaining charges are not proved. The High Court, which is the disciplinary authority, on consideration of the findings recorded by the Enquiry Officer and after due application of mind, in its meeting held on 5-11-1998 resolved-

"Subject No2: Explanation dated 12-KH998 and also further explanation submitted by Sri P.V. Satyanarayana Murthy, formerly II Addl. District Munsif, Kowur, West Godavari District, now under suspension in reply to the findings of the Enquiry Officer in the regular departmental enquiry ordered against him:

Resolution on subject No.2: The Administrative Committee on a consideration of the enquiry record deems it fit to record that the explanation submitted by Sri P.V. Satyanarayana Murthy, formerly II Additional District Munsif, Kowur, West Godavari District, is not satisfactory. As such the question of the charged officer continuing in the judicial service in view of the allegations proved against him, in particular Charge No.18, does not arise. The Committee has, therefore, decided to impose the punishment of dismissal from service".

and recommended for dismissal of the petitioner from service as a disciplinary measure. Accordingly, the petitioner was dismissed from service vide G.O. Ms. No.103 Law (LA & J Courts-C) Department, dated 16-6-1999. Hence this writ petition assailing the validity of the above order.

3. Sri P. Raghuram, learned Counsel appearing for the petitioner would vehemently contend that as regards charges 1 and 2 what is proved by the disciplinary authority is only an error of judgment committed by the petitioner in exercise of judicial functions, but there is absolutely no legal evidence to bring home the charge that the petitioner did so for any extraneous or collateral consideration. The learned Counsel would also maintain that the findings recorded by the Enquiry Officer on charges 3 to 7 are perverse and based on conjectures and surmises only, and not on legal evidence. To the same effect are the submissions of the learned Counsel while attacking the finding recorded by the Enquiry Officer on charge No.9. Assailing the finding recorded on charge No. 18, the learned Counsel would maintain that the disciplinary authority has utterly failed to prove bigamy alleged to have been committed by the petitioner. These are the only contentions put forth by the learned Counsel for the petitioner while assailing the validity of the impugned GO. Before us no contention is raised nor argued regarding validity of the departmental enquiry conducted by the High Court by appointing the Enquiry Officer. The Supreme Court in V.D. Trivedi v. Union of India, (1993) 2 SCC 55, Union of India and Others Vs. K.K. Dhawan, , Union of India v. R.K. Desai, (1993) 2 SCC 49, Union of India (UOI) and Others Vs. Upendra Singh, , has opined that even a misconduct committed by an employee in discharge of judicial or quasi-judicial function can be subject-matter of a disciplinary proceeding. Therefore, the only question to be considered by us is whether the findings recorded by the Enquiry Officer on charge Nos.3 to 7, 9 and 18 and accepted by the High Court are based on some legal evidence. If the Court were to find that the factual findings recorded by the Enquiry Officer and accepted by the High Court are based on some legal evidence, the High Court cannot interfere with those findings. The scope of judicial review of those findings is very much circumscribed and limited.

4. In High Court of Judicature at Bombay v. ShashikantS.PatiI,(2WQ) I SCC 416,

the Apex Court held :

".....Interference with the decision of departmental authorities can be permitted while exercising jurisdiction under Article 226 of the Constitution if such authority had held proceedings in violation of the principles of natural justice or in violation of statutory regulations prescribing the mode for such enquiry or if the decision of the authority is vitiated by considerations extraneous to the evidence and merits of the case, or if the conclusion made by the authority on the very face of it is wholly arbitrary or capricious that no reasonable person could have arrived at such a conclusion or grounds very similar to the above. But we cannot overlook that the departmental authority (in this case, the Disciplinary Committee of the High Court) is the sole Judge of the facts if the enquiry has been properly conducted. The settled legal position is that if there is some legal evidence on which the findings can be based, its adequacy or even reliability of the evidence is not a matter of canvassing before the High Court in a writ petition under Article 226 of the Constitution".

5. In *Indian Oil Corporation Limited v. Ashok Kumar Arora*, 1997 (2) Supreme 248, the Apex Court held :

"At the outset it needs to be mentioned that the High Court in such cases of departmental enquiries and the findings recorded therein does not exercise powers of appellate Court/authority. The jurisdiction of the High Court in such cases is very limited, for instance, where it is found that the domestic enquiry is vitiated because of non-observance of principles of natural justice, denial of reasonable opportunity; findings are based on no evidence and/or the punishment is totally disproportionate to the proved misconduct of an employee....."

6. In *Rae Bareli Kshetriya Gramin Bank v. Bhola Nath Singh*, 1997 (3) Sup 480, the Supreme Court held :

".....Judicial review is not akin to adjudication of the case on merits as an appellate authority. The High Court, in the proceedings under Article 226 of the Constitution, does not act as an appellate authority but exercises within the limits of judicial review to correct the errors of law or procedural errors leading to manifest injustice or violation of the principles of natural justice..... The High Court examined the evidence as if it is a Court of first appeal and reversed the finding of fact recorded by the Enquiry Officer and accepted by the disciplinary authority. In these circumstances, the question of examining the evidence as was done by the High Court as Appellate Court, is wholly illegal and cannot be sustained".

7. In *State of U.P. and others Vs. Nand Kishore Shukla and another*, , the Apex Court held-

".....It is settled that that the Court is not a Court of appeal to go into the question of imposition of punishment. It is for the disciplinary authority to

consider what would be the nature of the punishment to be imposed on the Government servant based upon the proved misconduct against the Government servant. Its proportionality also cannot be gone into by the Court. The only question is whether the disciplinary authority would have passed such an order. It is settled law that even one of the charges if held proved and sufficient for imposition of penalty by the disciplinary authority or by the appellate authority, the Court would be loath to interfere with that part of the order....."

8. This Court in *B. Anand Mohan Vs. Government of Andhra Pradesh and others*, held :

".....The High Court in cases of departmental enquiries and findings recorded therein does not exercises the powers of the Appellate Court and the jurisdiction of the High Court is very restricted and limited and it is only in exceptional cases that such jurisdiction has to be exercised, to wit, when it is found that the domestic enquiry stands vitiated because of non-observance of principles of natural justice or denial of reasonable opportunity or that the findings are based on no evidence or the punishment imposed is totally disproportionate to the proven misconduct of an employee....."

9. We have carefully perused the findings recorded by the Enquiry Officer. The Enquiry Officer in great elaboration and after threadbare consideration of the evidence adduced by him, both oral and documentary, recorded the findings on charge Nos.1 to 7, and 9. In our considered opinion, it cannot be said that the findings recorded by the Enquiry Officer are based on no legal evidence or that they are based on surmises and conjectures as contended by the learned Counsel for the petitioner.

10. It is true that there is no direct evidence-to prove that the petitioner received extraneous consideration or illegal gratification. As often said and reiterated by the Courts, there could hardly be any direct evidence to prove bribe or illegal gratification in majority of such cases. But, having regard to the established facts in the instant case, the inferences drawn by the Enquiry Officer and accepted by the High Court cannot be said to be perverse or irrational. In that view of the matter, the decision relied upon by the learned Counsel for the petitioner in *Kasi Nath Roy v. State of Bihar*, 1996 (I) LLJ 51, would hardly advance the case of the petitioner.

11. Similarly, the finding recorded on charge No. 18 cannot be said to be perverse. The Enquiry Officer on a consideration of the oral and documentary evidence regarding charge No.1 8, has opined thus:

".....The charged officer though claimed that he married the present woman who is residing with him, hut has not placed any material document to show that when he married the woman i.e., G. Vijayakwnari and where he married. Further, the charged officer in his sworn statement Ex.C22 categorically admitted that while he was studying B.L., he developed illegal contacts with P. Kamala. Before entering into Government service, he cut-off his relationship with her and settled

the same once for all by providing shelter for her life time in his self-acquired house property and he is also providing monthly amount at the rate of Rs.1,000/- per month at present for her sustenance and he has been sending money every month by way of money order and also admitted the fact that Sri S. Sivaiah Naidu, the then Sub-Judge informed about the visit of P. Kamala and narrated the story explained by her and also admitted the fact that at present, she is residing in the house given by him at Narasaropeta. If really, the charged officer had only developed illegal contacts with P. Kamala while he was studying B.L., and that he cut-off his relationship with her before entering into service, there is no need for him to pay the amount monthly at Rs.500/- for some time and thereafter at Rs.1,000/- per month for her sustenance and to provide shelter in his house at Narasaraopeta even now. The evidence of PWs.17 and 24 that Kamala represented to them that the charged officer married her in a temple while he was studying and she is interested in joining the charged officer as she is the, wife and the charged officer is living with another woman instead of taking her to his house was unchallenged. If really P. Kamala was not married to the charged officer prior to the present wife of the charged officer, there is no need for P. Kamala to claim the status of the wife of the charged officer and to inform PWs.17 and 24 that she also lived with the charged officer at Khammam while the charged officer worked there as Judicial Officer and nothing was elicited from their cross-examination to discredit their evidence on the said aspects. Therefore, considering the entire evidence of PWs. 17 and 24 and Exs.C 17, C20 and C22 and C320, it clearly establishes the fact that the charged officer married P. Kamala in the temple even prior to his marrying P. Chayadevi, the petitioner in Ex.C.320....."

12. The Enquiry Officer has given cogent and acceptable reasons for his conclusion, and the finding recorded by him on charge No. 18 is based on acceptable legal evidence.

13. We do not find any substantive ground to interfere with the impugned GO-14. The writ petition fails and it is accordingly dismissed. No costs.