

ITEM NO.24

COURT NO.5

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 11963/2022

(Arising out of impugned final judgment and order dated 21-01-2020 in WA No. 57/2020 passed by the High Court Of Chhattisgarh At Bilaspur)

MEHATRU BADDHAI @ MEHATRU RAM BADDHAI Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH & ORS. Respondent(s)

Date : 06-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Sunil Pillai, Adv.
Mr. Akshat Shrivastava, AOR
Mrs. Pooja Shrivastava, Adv.
Mr. Satvic Mathur, Adv.
Mr. Niteen Sinha, Adv.

For Respondent(s) Mr. Muhammad Ali Khan, A.A.G.
Mr. Vishal Prasad, AOR
Mr. Omar Hoda, Adv.
Ms. Eesha Bakshi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the petitioner and
the State.

The punishment for removal from service has
been imposed on the petitioner for committing breach
of Section 22, paras '1' and '2' of the Civil
Services Conduct Rules as applicable to the State of
Chhattisgarh. The said provision stipulates:-

"22. Bigamous marriages-(1) No

Government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Government servant shall marry any person who has a wife living without first obtaining the permission of the Government."

The disciplinary authority passed an order for removal of petitioner from service and the Appellate Authority has affirmed that order. His mercy plea was also rejected by the competent authority. His writ petition was dismissed by the learned Single Judge and the order of the Single Judge was sustained by a Division Bench of the High Court of Chhattisgarh.

Before us, Mr. Pillai, learned counsel for the petitioner seeks to point out a flaw in the memo of charges. He argues that memo of charges did not allege that the second marriage was contracted by the petitioner without obtaining permission of the State. We have ourselves gone through the memo of charges and we are satisfied that the Articles of Charge in substance contains the allegations for breach of the aforesaid Rules against him. We verified from the learned counsel for the petitioner and the State as to whether he had applied for any permission or not and the answer to that query was in the negative.

In such circumstances, we decline to interfere with the judgment under appeal.

The present petition is, accordingly, dismissed.

Pending application(s), if any, shall also stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)
ASSISTANT REGISTRAR