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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

WA No. 3385 of 2025

and

C.M.P.No.27578 of 2025

V.Prabakaran
S/o.Velusamy
(Removed From Service)
Former Station Officer,
Vellakoil Fire and Rescue Service Station,
Tiruppur District.

Residing at.
No.B2, Fire And Rescue Service Station
Department Residence,
Dharapuram, Tiruppur District.

..Appellant(s)

Vs

1. The Director
Tamil Nadu Fire And Rescue Services,
Egmore, Chennai- 600 008.
2. The Joint Director
Western Region, Tamil Nadu Fire and Rescue
Services,
Coimbatore 641018.
3. The District Officer
Tamil Nadu Fire and Rescue Services,
Tiruppur District.
4. Prabhashini
W/o.V.Prabakaran,
Alangiyam Road,
Dharapuram,
Tiruppur District.

..Respondents



..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order in WP.No. 31578/2025 dated 22.8.2025.

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For Appellant(s): Mr.Rajendraprasad.K.

For Respondent(s): MS..R.K.Sekina Reshma,
Additional Government Pleader
for R1 to R3
Mr.Deepan Uday for R4

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The writ petitioner preferred the present writ appeal. The writ petition has been filed challenging the order of punishment of compulsory retirement imposed by the appellate authority modifying the original punishment of dismissal from service imposed by the disciplinary authority.

2. The appellant was holding the post of Station Officer at Fire and Rescue Service at Vellakovil and the wife of the appellant Smt.Prabhashini lodged a complaint before the competent authority that the appellant has committed misconduct of bigamy by marrying Smt.Karthika as second wife, since bigamy is misconduct as contemplated under Rule 19 of the Tamil Nadu Government Servants Conduct Rules, 1973. Departmental disciplinary proceedings are initiated. A charge memo under Section 17(b) under the Tamil Nadu Civil Services (Discipline and Appeal) Rules was framed. Not satisfied with the explanation submitted by the appellant, an Enquiry Officer



was appointed, who in turn, conducted an enquiry and submitted his final report holding that the charge of bigamous marriage held proved. Accepting the findings of the Enquiry Officer, second show cause notice was issued to the appellant and a final order was passed by the Disciplinary authority imposing the punishment of dismissal from service.

3. The appellant preferred an appeal before the Director of Fire and Rescue Service. The appellate authority modified the punishment of dismissal from service to that of compulsory retirement, considering the fact that the appellant rendered a service of 27 years and 10 months. The appellate authority has not adjudicated the merits as well as the grounds raised by the appellant but had taken a lenient view to reduce the punishment, considering the length of services rendered by the appellant.

4. This Court is of the considered view that bigamy marriage is a grave misconduct under the Conduct Rules. Perusal of the findings of the Enquiry Officer would show that both the wives were residing in the Government Quarters for about 13 years and a child was born from and out of the second wife and was admitted in a School wherein the appellant's name has been recorded as father. Based on the documentary proof, the Enquiry Officer held that the charges are proved. Thus, the findings are made based on the evidences.



5. Punishment of dismissal from service cannot be construed as disproportionate to the gravity of proved charge of bigamy marriage. However, the appellate authority, considering the length of services rendered by the appellant, modified the punishment of dismissal from service to that of compulsory retirement. Thus, there is no further scope to interfere with the order passed by the Appellate Authority, modifying the punishment and thus, the Writ Appal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.G.R.,J.)
19-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI

To

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**S.M.SUBRAMANIAM, J.
and
KRISHNASWAMY GOVINDARAJAN, J.**

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