

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.12.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4147 of 2011

Tmt.Sulochana

..Petitioner

vs

1. The Registrar,
Registration Office,
Santhome, Chennai.

2. The District Registrar,
District Registration Office,
26, Rajaji Road,
Chennai - 1.

3. The Sub Registrar,
District Registration Office,
Mylapore, Chennai.

4. Thiru.K.Ganesan,
Office Assistant,
Sub Registrar Office,
Mylapore, Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3, to initiate the proper disciplinary proceedings against the 4th respondent for the offence of bigamy and for getting appointment by submitting bogus educational certificates.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader
for R1 to R3
Mr.R.Sreedharan for R4

O R D E R

The relief sought for in this writ petition is for a direction to the respondents 1 to 3, to initiate the proper disciplinary proceedings against the 4th respondent for the offence of bigamy and for getting appointment by submitting bogus educational certificates.

2.The writ petitioner is the first wife of the 4th respondent, who is working as an Office Assistant in the Sub Registrar Office at Mylapore, Chennai. The allegation of the writ petitioner is that the 4th respondent neglected her and after filing a petition seeking maintenance, the petitioner is able to lead her livelihood. The grievances of the writ petitioner is that the 4th respondent is leading an immoral life and not taking care of the family.

3.This Court is of the opinion that a public servant has to maintain good conduct and it requires that the public servant maintain his family properly. The Tamil Nadu Government Servants Conduct Rules, 1973, also states that if a public servant entered into a contract for second marriage, during the lifetime of the first wife, it amounts to misconduct. In this regard, Rule 19 of the Tamil Nadu Government Servant Conduct Rules enumerates that the disciplinary authority has to initiate action for such misconducts.

4.The grievances of the petitioner is that the 4th respondent has neglected the family of the petitioner. However, the respondents 1 to 3 have not initiated proper action against the 4th respondent and to see that the family of the writ petitioner is properly maintained by the 4th respondent. This Court has to go one step further and to say that it is the duty of the appointing authority and the disciplinary authority has to periodically verify the antecedents, behaviour, good conduct of the employees. The verification of such conducts are required for effective public administration. A public servant who is leading an immoral life and not maintaining a good conduct cannot perform his duties and responsibilities with utmost devotion so as to ensure an efficient public administration. Thus, the conduct of the Government servants are of utmost importance and it is the duty of the higher authorities to see that the employees are maintaining good conduct and behaviour, inside the office as well as outside, so also the higher officials themselves.

5.Such being the intent of the Conduct Rules and such all are the requirements for running an effective public administration, this Court is of the opinion that non initiation of disciplinary proceedings against the 4th respondent in this

regard as per the complaints submitted by the petitioner is a lapse on the part of the respondents 1 to 3.

6.However, it is brought to the notice of this Court that the disciplinary proceedings are initiated during the pendency of the writ petition. Thus, if proceedings are initiated already, then the competent authorities are bound to conduct enquiry in accordance with law and pass final orders in the departmental disciplinary proceedings without causing any further delay.

7.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
Registration Office,
Santhome, Chennai.
2. The District Registrar,
District Registration Office,
26, Rajaji Road,
Chennai - 1.
3. The Sub Registrar,
District Registration Office,
Mylapore, Chennai.

+1cc to Mr.S.N.Ravichandran, Advocate, S.R.No.88028
+1cc to the Government Pleader, S.R.No.88520

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CS/02/01/18