

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31218 of 2019 and
W.MP.No.31361 of 2019

K.Rajeswari

..Petitioner

Vs

1. The Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai.
2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamilnadu,
Secretariat, Chennai.
3. The Director,
Directorate of School and Technical Education
DPI complex,
College Road, Chennai.
4. The Director,
Directorate of Employment and Training,
Guidny, Chennai.
5. The Principal,
Government Industrial Training Institute,
Chemmandalam, Cuddalore 607 001
6. The Administrative Officer,
Government Training Institute,
Cuddalore 607 001.

7. P.S.Karmegam, (E.Code: 72443/MISC) .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other order or direction in the nature of Writ directing the respondents to consider and take appropriate action on representation dated 05.09.2019 submitted by the petitioner in the light of the directions issued by this court in judgment dated 23.07.2019 passed in WP(MD)No.16082/2014 in the case of R.Thenmozhi Vs. The commissioner of Police & others and thereby

direct them to take necessary departmental disciplinary action against the 7th respondent namely P.S.Karmegam, S/O Sepperumal (E.Code: 72443/MISC), working as Assistant Training Officer (ATO) in ITI Government of Tamil Nadu, Chemmandalam, Cuddalore for committing misconduct of contacting second marriage with one Usha during subsistence of first marriage.

For Petitioner : Mr.Praksh Adiapadam

For Respondents : Mr.V.Kathirvelu, Spl.G.P.
for R1, R3 and R5
: Ms.M.Lalitha, Government Advocate
for R2, R4 and R6

O R D E R

- 1.This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, to direct the respondents to consider and take appropriate action against the petitioner in the light of the directions issued by this court in judgment dated 23.07.2019 passed in WP(MD)No.16082/2014 in the case of R.Thenmozhi Vs. The commissioner of Police & others and action against the 7th respondent namely P.S.Karmegam, S/O Sepperumal (E.Code: 72443/MISC), working as Assistant Training Officer (ATO) in ITI Government of Tamil Nadu, Chemmandalam, Cuddalore for committing misconduct of contacting second marriage with one Usha during subsistence of first marriage.
- 2.The case of the petitioner is that the petitioner is legally wedded wife of the 7th respondent namely P.S.Karmegam, S/O Sepperumal (E.Code: 72443/MISC), who is the Government servant and presently working as Assistant Training Officer (ATO) in ITI Government of Tamil Nadu, Chemmandalam, Cuddalore. Out of the wedlock, she was blessed with two children. According to the petitioner, right from the beginning, her husband has not been properly maintaining the family and while first marriage with her is subsisting, the 7th respondent performed another marriage with one Usha in the year 1996 and out of their wedlock, the said Usha was blessed with two children. The grievance of the petitioner is that initially in his service record, the 7th respondent had incorporated the petitioner's name as nominee, however later on 16.11.2006 he also added the names of his second wife, one Usha and two children as his legal heirs and nominees. Thereafter, the petitioner made a detailed representation to the respondents, requesting them to take necessary departmental disciplinary action against him for having committed misconduct of performing second marriage with one Usha during subsistence of first marriage with her. However, the respondents have not taken any action despite her representation. Hence the petitioner is before this Court.

- 3.The learned counsel appearing for the petitioner would submit that during subsistence of first marriage with the petitioner, the 7th respondent had committed misconduct of performing second marriage with one Usha and also begotten two children and he also added their names in the service register as his legal heirs and nominees. He would also submit that though a detailed representation dated 05.09.2019 has been made by the petitioner requesting to initiate disciplinary proceedings against 7th respondent in accordance with service rules, however, for the reasons best known to the respondents, they have not taken any action so far. The learned counsel would draw the attention of this Court to the order of this Court dated 23.07.2019 passed in WP(MD)No.16082/2014 in the case of R.Thenmozhi Vs. The commissioner of Police & others, in and by which, this Court, in similar circumstances, has directed the Government to take appropriate action against the government employees in respect of the bigamous marriage indulged by them. Hence the learned counsel would implore this Court to direct the respondents to consider the representation of the petitioner and initiate appropriate disciplinary action against the 7th respondent.
- 4.The learned Government Advocate appearing for the respondents conceded to the request as submitted by the learned counsel appearing for the petitioner. The learned counsel would submit that if this Court directs the respondents to consider the dispose of the representation made by the petitioner, the same would be complied with and the representation would be disposed of in accordance with law.
- 5.Considering the facts and circumstance of the case and the submissions made by the learned counsel for the petitioner and since the representation made by the petitioner has been pending, this Court directs the respondents to dispose of the Writ Petitioner's representation dated 05.09.2019, in accordance with law, after affording to the 7th respondent within a period of twelve weeks from the date of receipt of a copy of this order.
- 6.With the above direction, the Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

jrs

To

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- +1 CC to Mr.Prakash Adiapadam, Advocate sr 92162(13/11/2019)
- W.P.No.31218 of 2019 and
W.MP.No.31361 of 2019

SSM(06/11/2019)

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