

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.17232 of 2020 and  
W.M.P.Nos.21300 & 21304 of 2020

S.Babukumar

... Petitioner

-Vs-

1. The Additional Deputy General Manager,  
Machine Shop & Fabrication Shop CWS,  
NLC India Limited,  
NSU, AO Building,  
Neyveli,  
Cuddalore District - 607 807. (Disciplinary Authority)
  2. Mr.A.L.Nagappan,  
Deputy General Manager / Mechanical,  
H.R/Mine - 1 & 1A,  
NLC India Limited,  
NSU, AO Building,  
Neyveli, Cuddalore District. 607 807. (Enquiry Officer)
- ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Memo No.NSV/NR/DAC/202007010787/2020 dated 01.07.2020, to quash the same and to issue consequential direction to the first respondent to proceed against the petitioner departmentally after the disposal of M.C.No.66/2019, Family Court, Cuddalore and depending on its outcome, pass such further or other orders.

For Petitioner : Mr.G.Punniakoti

O R D E R

This writ petition has been filed to call for the records of the first respondent in Memo No.NSV/NR/DAC/202007010787/2020 dated 01.07.2020, to quash the same and to issue consequential direction to the first respondent to proceed against the petitioner departmentally after the disposal of M.C.No.66/2019, Family Court, Cuddalore.

2. The petitioner is before this Court challenging the charge memo dated 01.07.2020, charging him for commission of an act of misconduct viz., contracting second marriage when the first marriage was subsisting. The challenge is on the basis of the pleading of the petitioner that a Maintenance Case is pending before the Family Court, Cuddalore in M.C.No.66 of 2019. Therefore, enquiry proceedings initiated against him by the first respondent, to be postponed indefinitely till the conclusion of the Maintenance Case filed by the first wife of the petitioner.

3. This Court is unable to appreciate as to the validity of such request of the petitioner for indefinite postponement of the enquiry proceedings on the basis of pending Maintenance Case. when the petitioner has contracted second marriage when the first marriage was subsisting, he cannot seek to stall the departmental proceedings for an indefinite period of time citing the pendency of Maintenance Case against him in the Matrimonial Court. The matrimonial case cannot have any bearing on the departmental action initiated against the petitioner under the relevant rules.

4. This Court is of the view that under the pretext of seeking postponement of the departmental action on the ground of the pendency of Maintenance Case against him, the petitioner is only attempting to stall the departmental action initiated against him in order to take undue advantage of such postponement of the departmental action.

5. This Court therefore finds that the writ petition lacks bonafides and also without any merits and liable to be dismissed. Hence, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsk

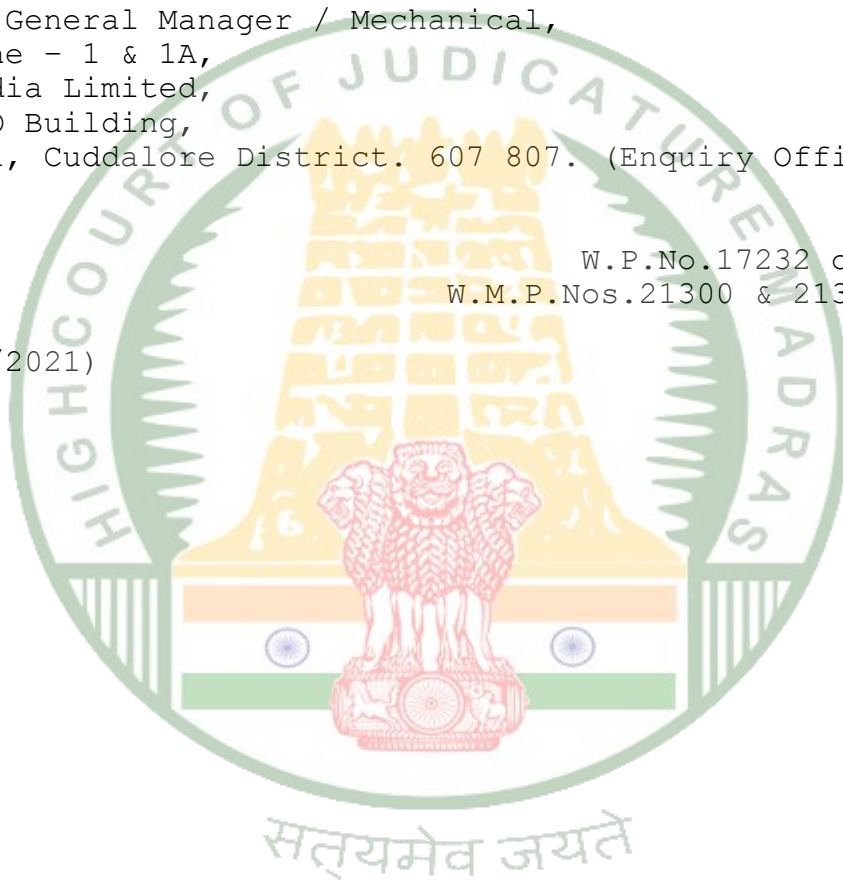
To

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PM(CO)  
RMP(19/01/2021)



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