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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4419/2021**

FORCE NO065180927 EX CT WM BACHHU SINGH

..... Petitioner

Through: **Mr. Medhanshu Tripathi and Mr. Ajay Kumar Singh Advocates.**

versus

UNION OF INDIA AND ORS

..... Respondent

Through: **Ms. Akanksha Kaul, Advocate and Mr. Manek Singh, Advocate**

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Date of Decision: 08th April, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. Present writ petition has been filed challenging the orders dated 09th June 2018, 18th January 2020 and 21st August 2020 passed by the Commandant Group Centre, CRPF, Bhopal, DIG Group Centre, CRPF, Bhopal and DIGP (Adm.) CZ Kolkata whereby the Petitioner was awarded punishment of compulsory retirement from service. Petitioner also seeks reinstatement with back wages and consequential benefits since 09th June 2018.

2. Learned counsel for the Petitioner states that the Petitioner was a CT/WM in the CRPF who has filed a divorce petition against his first wife in the District Court Mathura which is pending before the concerned court in which the Petitioner's previous wife has been proceeded ex-parte.

3. He also states that in view of the special customs applicable to the petitioner, he is entitled to divorce from his first wife. He further submits that under Proviso to Rule 21(2) of CCS Conduct Rules, 1964 the petitioner who is a Government servant has only to inform the Central Government that he has married again during subsistence of his first marriage by virtue of personal law applicable to him. Rules 21(1) and (2) of Rules, 1964 are reproduced hereinbelow:-

“21. Restriction regarding marriage.

(1) No Government servant shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No Government servant having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Central Government may permit a Government servant to enter into, or contract, any such marriage as is referred to in Clause (1) or Clause (2), if it is satisfied that –

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and

(b) there are other grounds for so doing.”

4. A perusal of the paper book reveals that vide impugned order dated 09th June 2018, the petitioner has been compulsorily retired for having a second wife in the lifetime of his first wife.

5. During the inquiry, the allegations levelled against the petitioner were in fact admitted by the petitioner. Further, admittedly though the petitioner

has filed a divorce proceeding, yet no divorce has been granted to him till date.

6. The *alibi* that under the special custom applicable to the petitioner, he is entitled to marry again during the subsistence of his first marriage and that too without taking divorce, is not averred in the present writ petition. The said contention is also falsified by the fact that the petitioner has himself filed a divorce petition under the Hindu Marriage Act, 1955. In any event, no document has been placed on record to show that under Proviso to Rule 21(2) of Rules, 1964 the Central Government has granted any permission to the petitioner to enter into or contract a second marriage during the subsistence of the first marriage by virtue of personal law applicable to him.

7. Consequently, during the subsistence of the first marriage, the petitioner has married once again and therefore violated the CCS, Conduct Rules. Accordingly, we find that there is no infirmity in the impugned order, requiring interference in the present writ proceedings. Moreover, as the petitioner has set up a patently false case during the course of arguments, which is contrary to the record, the present writ petition is dismissed with costs of Rs.25,000/- to be paid to Delhi High Court Legal Services Committee.

MANMOHAN, J

ASHA MENON, J

APRIL 08, 2021
Pkb/KA