



W.P.No.15957 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15957 of 2024

Arockia Aruputhamary @ Arputha Jesita .. Petitioner

Vs.

1. The General Manager
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd.)
Nagapattinam Region.

2. Assistant Manager (P&A)
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd.)
Kumbakonam, Thanjavur District.

3. S.Selvaraj .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the respondents 1 and 2 to initiate disciplinary proceedings against the third respondent as per the Service Rules for his act of bigamy as per the petitioner's representation dated 06.06.2023.

For the Petitioner : Ms.C.Priyadharshini

For the Respondents : No Appearance



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ORDER

The prayer of the petitioner is only to direct the official respondents to initiate disciplinary proceedings against the third respondent as per the Service Rules for his act of bigamy as per her representation dated 06.06.2023.

2. Upon perusal of the said representation as well as the material records of the case, it can be seen that the petitioner's husband filed a divorce application in IDOP.No.91 of 2015 and when the same was decreed on 27.08.2018, even without awaiting the appeal period, he contracted second marriage.

3. Subsequently, the petitioner filed C.M.A.(MD)No.1142 of 2018 and the Madurai Bench of this Court granted stay of the order of divorce. When there is a specific provision that the third respondent should await the appeal period and subsequently, when the divorce has been stayed, as on date, the marriage of the third



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respondent amounts to bigamy. Therefore, the official respondents are duty bound to initiate disciplinary proceedings and impose appropriate punishment as against the third respondent.

4. Be that as it may, while there can be no quarrel over the aforesaid arguments on behalf of the learned counsel for the petitioner, if the petitioner succeeds in the CMA, certainly, the act of the third respondent would be bigamy. For any reasons, if the CMA goes in favour of the third respondent, then subsequently, after dismissal or removal from service, it is only the respondent Corporation which has to reinstate the third respondent and pay him all the backwages.

5. After considering the overall circumstances of the case, this Court is of the view that the petitioner can renew her request after the CMA is finally decided.



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6. With the above observations, the writ petition stands disposed of. There shall be no order as to costs.

20.06.2024

Neutral Citation : Yes/No

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To:

1. The General Manager
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(Kumbakonam Ltd.)
Nagapattinam Region.
2. Assistant Manager (P&A)
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd.)
Kumbakonam, Thanjavur District.



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D.BHARATHA CHAKRAVARTHY,J.

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