



WP(MD), No.7388 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.01.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.7388 of 2021

A.Pandeeswari

... Petitioner

versus

1. The Secretary to Government,
Personnel and Administrative Reforms
Department,
Secretariat,
Chennai – 600 009.

2. The Chief Secretary,
Tamil Nadu State Transport Corporation,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

3. The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
27, Pugai Vandi Pudhiya Salai,
Kumbakonam - 612001.

4. Annadurai,
No.3/12, Pandiyan Nagar,
Kottaimedu,
Mudhukulathoor,
Ramanathapuram District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to take disciplinary action against the 4th respondent in the light of the judgment in W.P.No.16082 of 2014 dated 23.07.2019 within the time frame that may be stipulated by Court as per the representation of the petitioner dated 25.09.2019 and 24.03.2021.

For Petitioner : Mr.S.Sivaprakash
For R1 and R2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R3 : Mr.K.Jagadeesh Balan
For R4 : Mr.R.Gowri Shankar

ORDER

The petitioner is the wife of the 4th respondent. The 4th respondent is working as Manager in the Tamil Nadu State Transport Corporation Ltd. at Karaikudi Branch. The petitioner claims that the marriage between her and the 4th respondent was solemnized on 21.11.1995 and out of the wedlock, they were blessed with two children. While so, the 4th respondent deserted her and married another woman, by name, Mala. However, the petitioner could not get any photographs of the second



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marriage of the 4th respondent.

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2. The case of the petitioner is that without dissolving the marriage solemnized between her and the 4th respondent, he has married one Mala and she is having two children through the 4th respondent. In order to prove the same, she has produced a copy of the birth certificates of one Yogalakshmi dated 08.07.2009 and one Gnanavelram dated 02.08.2010, who were born to Mala through the 4th respondent, Apart from that, she has also placed the voters' list of Mudukulathur Assembly, wherein, the 4th respondent's name has been reflected with photograph and adjacent to that, the name of Mala has also been reflected with photograph as she is the wife of Annadurai, the 4th respondent herein and both are residing in the same address. The main contention of the petitioner is that the 4th respondent, without dissolving the first marriage, has married another woman, by name, Mala and he is living along with her at Door No.3-12, Marudhupandiyar Street, Narayanapuram, Kamuthi. With these documents, the petitioner has submitted a representation to the respondents 1 to 3 on 25.09.2019, seeking to initiate disciplinary proceedings against the 4th respondent. However, the respondents have



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not considered the same. Therefore, the petitioner has filed this writ petition for a Mandamus, directing the respondents 1 to 3 to take disciplinary action against the 4th respondent.

3. The learned counsel appearing for the 4th respondent submits that on the very same allegation, the petitioner has filed a criminal complaint before the learned Judicial Magistrate, Kamuthi, which was taken on file in C.C.No.115 of 2016 and the same was dismissed by the learned Judicial Magistrate.

4. The learned counsel appearing for the petitioner submits that the learned Judicial Magistrate, without considering the documents produced by the petitioner before the Court, has passed a biased order, dismissing the complaint as if the petitioner has not placed the second marriage photograph of the 4th respondent. Challenging the order of the learned Judicial Magistrate, the petitioner has filed an appeal before this Court in CrI.A.(MD)No.1085 of 2024.

5. This Court considered the rival submissions made.



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"Marrying again during lifetime of husband or wife. Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

7. Admittedly, the marriage between the petitioner and the 4th respondent was not dissolved. However, it appears that during the existence of the first marriage, the 4th respondent had married another woman, by name, Mala. In order to prove the same, the petitioner has produced the voters' list of Mudukulathur Assembly, wherein, the name of the 4th respondent has been reflected and the name of Mala has also been reflected as she is the wife of the 4th respondent. Apart from that, the petitioner has produced the birth certificates of the children of Mala born through the 4th respondent, wherein, the name of the 4th respondent is shown as their father.



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WEB COPY8. In this regard, the petitioner has filed a complaint before the learned Judicial Magistrate, Kamuthi, in C.C.No.115 of 2016 and she has produced all the documents before the Court. However, the learned Judicial Magistrate, without considering the said documents in a proper manner, dismissed the complaint on the ground that the petitioner has not produced any marriage photograph of the 4th respondent. Therefore, this Court is of the view that the order passed by the learned Judicial Magistrate, Kamuthi, is not proper. Since an appeal as against this order has already been filed, this Court refrains from making any observation in this regard.

9. Further, the petitioner has submitted a representation along with the above documents to the 3rd respondent seeking to take appropriate action against the 4th respondent. But, the 3rd respondent/the Managing Director has not considered the case of the petitioner in the light of the documents placed by the petitioner. It is the duty of the authorities to maintain discipline in their Departments.

10. Therefore, this writ petition is disposed of with a direction to the



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3rd respondent to take a call on the petitioner's representation dated 24.03.2021, in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs.

22.01.2025

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

To

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B.PUGALENDHI, J.

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