



WEB COPY

WP No. 33801 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**WP No. 33801 of 2024
and
WMP No.36612 of 2024**

1. The General Manager
Integral Coach Factory, I.C.F., Chennai.
2. The Principal Chief Personnel Officer,
Integral Coach Factory, I.C.F., Chennai.
3. The Chief Workshop Engineer (Shell)
Integral Coach Factory, I.C.F., Chennai.

..Petitioners

Vs

1. The Registrar
Central Administrative Tribunal,
Chennai Bench, Chennai -600 104.
2. G Bharath,
Office Superintendent,
Shop No.77G, T.N.13/0703,
Integral Coach Factory, ICF, Chennai.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorari to call for the records relating to the impugned order in O.A. No.744/2019 dated 28.03.2023 passed by the Central Administrative Tribunal, Chennai Bench, the 1st respondent herein and quash the same.



For Petitioners:

Mr.C.Samivel

For R2:

Mr.P.S.Vijayakuamr

ORDER

(Order of the Court was made by K.Kumaresh Babu J.)

The writ petition has been filed seeking issuance of a writ of certiorari to call for the records relating to the impugned order in O.A. No.744/2019 dated 28.03.2023 passed by the Central Administrative Tribunal, Chennai Bench, the 1st respondent herein and quash the same.

2. Heard the learned counsel appearing for the parties.

3. Mr.C.Samivel, learned counsel appearing for the petitioner would submit that the second respondent was employed in the Integral Coach Factory. He was originally married and due to some misunderstanding with his wife, he had filed a divorce petition, which came to be dismissed for default and subsequently, the said wife had also died. The second respondent had developed an illicit relationship with his maid and had given birth to two children. After the death of his mother, he had married the servant maid and had given birth to another daughter. He had included the name of his second wife in his official records and thereafter, made a representation to include the names of his children also in the official records. The third child born to the second respondent had been included in the official records, but, the two children born earlier, before his marriage with the second wife, were not



included as they were born outside the marriage. Challenging the rejection, the second respondent had approached the Central Administrative Tribunal. The Tribunal, without considering the legitimacy of the children, had quashed the order of rejection and directed to include the name of the children, born prior to the marriage, in the official records. He would submit that such children, who were born out of a void marriage, cannot be included in the service records as they are not legitimate children. Hence, he seeks indulgence of this court.

4. Mr.P.S.Vijayakumar, learned counsel appearing for the second respondent, on the other hand, would contend that even though the children were born during the subsistence of the first marriage, their right to be conferred with the service benefits of the second respondent cannot be denied as they are entitled to all the benefits. He would submit that it cannot be denied that the children were born to the second respondent. While that be so, the reason for rejection is only improper and would pray this court to sustain the order impugned in this writ petition.

5. We have heard the submissions made by the learned counsel for the parties and perused the materials available on record.

6. The issue involved in this writ petition is whether the children born to the second respondent to another woman during the subsistence of a valid first marriage would be entitled to be included in the official records as his children. The Tribunal had relied upon the judgments of the Hon'ble Apex Court, particularly, the judgment in C.A.No.7108 of 2003 to conclude that the children



should be considered as legitimate children. It is to be noted that Section 16 of the Hindu Marriage Act also recognizes the legitimacy of the children born out of a void marriage. Sub-section (1) of Section 16 of the Hindu Marriage Act envisages that a child born out of a void/voidable marriage, shall be considered as legitimate child. In such view of the matter, we do not find any infirmity or illegality in the order impugned herein.

7. In view of the aforesaid reasons, the writ petition fails and accordingly, it is dismissed. No order as to costs. The connected miscellaneous petition is also dismissed.

(C.V.K.,J.) (K.B.,J.)
30-01-2026

Index: Yes
Speaking order
Neutral Citation: Yes

ssk

To

1. The Registrar
Central Administrative Tribunal, Chennai
Bench, Chennai -600 104.
2. G Bharath,
Office Superintendent,
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Integral Coach Factory, ICF, Chennai.



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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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