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Central Administrative Tribunal, Principal Bench

Original Application No.993 of 2002

New Delhi, this the 16th day of April, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member(A)

Pramod Kumar Singh
S/o Shri Bilas Singh
R/o C/o Shri S.S. Mehra
Kurmanchal Niketan
Plot No. 115, Flat No. 85
I.P. Extension, Delhi-92

- Applicant

(By Advocate: Shri H.K. Gupta with Shri G.S. Chaman)

Versus

1. Union of India, through
Secretary
Ministry of Home Affairs
Govt. of India, Central Sectt.,
North Block, New Delhi

2. Director
Intelligence Bureau
Ministry of Home Affairs
Govt. of India,
No. 35, New Complex
Sardar Patel Marg,
New Delhi

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member(A)

On the charge of bigamy², the applicant, a Security Assistant, has been removed from service by the disciplinary authority's order dated 29.3.2001 (Annexure A-1). When carried in appeal and thereafter in review, the aforesaid order has been upheld by the appellate authority on 13.6.2001 (Annexure A-2) and by the reviewing authority by his order dated 9.11.2001 (Annexure A-3):

2. The learned counsel appearing on behalf of the applicant submits that before passing the aforesaid orders, the aforesaid authorities have failed to take into account the prayer made by the applicant in his representation dated 16.10.2000 (Annexure A-10) with which the applicant

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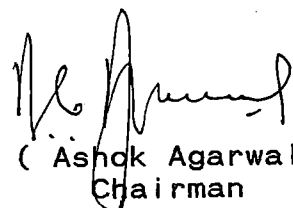
had enclosed a copy of an order passed by the Additional Chief Metropolitan Magistrate (in short 'ACMM') on 16.3.99, and to this extent the aforesaid orders stand vitiated due to non-observance of the principles of natural justice.

3. We have perused the applicant's representation dated 16.10.2000 as well as the order passed by the court of ACMM. At no place in the orders passed by him, the ACMM has recorded a clear finding to the effect that the charge of bigamy² has not been sustained. The Magistrate has simply stated that sufficient prima-facie evidence did not exist to enable him to summon the accused under Section 494 of the IPC.

4. Moreover from the aforesaid representation, it is also clear that while proceedings for dissolution of marriage under the Hindu Marriage Act had been initiated, the proceedings in question had not yet been completed before the applicant married again. That being so, the charge of bigamy² would appear to have been sustained on the basis of whatever the applicant himself has to say in the pleadings placed before us. In this view of the matter, we do not find it in order to interfere with the impugned order. In the light of the foregoing, the OA is dismissed in limine.



(S.A.T. Rizvi)
Member(A)



(Ashok Agarwal)
Chairman

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