

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 21 Oct 87

APPLICATION NO. 410 /87 (F)

W.P.No.

APPLICANT M. M. Addnagi

Vs

RESPONDENTS The Member (Personnel)

Postal Service Board, New Delhi
and 2 Ors.

To

1. Sri Mallikarjuna Mahazudrappa -
Addnagi,
House No. 356, Karbhari Galli,
M. Vadgaon, Belgaum.

2. Sri V. S. Shettar, Advocate,
28/3, Rly. Parallel Road,
10th Cross, 12th Block,
Kumara Park (West),
Bangalore-20.

3. The Member (Personnel),
Postal Service Board,
Department of Posts,
New Delhi-1.

4. The Director,
Postal Services,
N.K. Region, Dharwad.

5. The Superintendent,
R.M.S. 'HB' Dn.,
HUBLI.

6. Sri M. S. Padmalajana,
Advocate (CGSC),
High Court Building,
Bangalore.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY/

~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 16 Oct 87.

RECEIVED

Diary No. 1333/2/87
Date: 26-10-87
3 to 5
3 copies
ASPL c/c
26-10.

Encl: as above.

Deputy Registrar
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 16th OCTOBER, 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)

Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION No.410/87

Sri MALLIKARJUN MAHARUDRAPPA ADDNAGI - Applicant
Belgaum

(By. Sri V.S. Shettar, Advocate)

v

1. The Member (Personnel) Postal Service Board
Government of India, Department of Posts
New Delhi 1
2. The Director
Postal Services, N.K. Region,
Dharwad
3. The Superintendent,
R.M.S., 'HB' Dn, Hubli - Respondents
(Sri M.S.Padmarajaiah, Senior C.G.S.C.)

This application came up for hearing before
this Tribunal and Hon'ble Sri Ch. Ramakrishna Rao, to-day
made the following

ORDER

This is an application filed under Section 19
of the Administrative Tribunals Act, 1985.

2. The facts giving rise to the application are,
briefly, as follows: The applicant was ^{an} ex-military man
~~was~~ working as Mail Guard in the R.M.S., S.R.O., 'HB' Dn.,
Belgaum. He is a married man, having a son. On account
some family disputes, the wife started living separately.
She filed a representation to the Superintendent of R.M.S.,
'HB' Dn., Hubli (Respondent No.3 : R3) alleging that the
applicant had married a second time. Based on the complaint,



R3 framed charges against the applicant under Rule 16 of the C.C.S. (C.C.A.) Rules and directed the Inspector R.M.S., 'HB' 3rd Sub Dn., Belgaum to conduct an inquiry. During the inquiry, the Inspector brought to the notice of the applicant that one Smt. Deepa had given in writing to state that she had married the applicant. Based on the inquiry report, R3 ordered that the next increment of the applicant be withheld for three years. However, the Director, Postal Services, N.K. Region, Dharwad (Respondent 2 : R2) instructed R3 to conduct an inquiry under ~~RxR~~ Rule 14 of the C.C.S. (C.C.A) Rules. Accordingly, a fresh inquiry was held by R3 on the basis of which R2 imposed on the applicant the penalty of removal from service. The applicant represented against the aforesaid order, to the Member (Personnel), Postal Services Board, Government of India, Ministry of Communications, Department of Posts, New Delhi (Respondent 1 : R1). In and by the order dated 25.9.86, R1 confirmed the order of R2. Aggrieved, the applicant has filed this ~~xxxx~~ application.

3. Sri Vishwanath S. Shettar, learned counsel for the applicant has not canvassed the correctness of the finding arrived at by the Director ^(R2) which was confirmed by R1 that the charge levelled against the applicant was established.

His endeavour before us was to convince that the penalty of removal from service inflicted on his client by the

authorities is disproportionate to the gravity of the charge. Sri Shettar submits that his client's record of service was without blemish and on account of the charge of



bigamy he should not be visited with the extreme penalty of removal from service. He also pleaded that the order passed against his client would render him helpless in the matter of maintaining his family and eking out his livelihood. Counsel, therefore, urged that a sympathetic view may be taken on the facts and circumstances of the case.

4. Sri M.S. Padmarajaiah, Senior C.G.S.C., appearing for the respondents, while not disputing that the service register of the applicant was free from blemish and without any adverse remarks, submits that the charge of bigamy is a serious one which is based on public policy and it was precisely for this reason that the minor penalty imposed by R2 on the applicant, in the first instance, was later enhanced to a major penalty viz., removal from service and viewed in this light, the applicant does not deserve any sympathy.

5. We have considered the rival contentions on the quantum of penalty carefully. Sri Padmarajaiah is right in saying that the charge of bigamy is a serious one as it is based on public policy. In State of Bombay v Narasappa AIR 1952 Bombay 84 it was held, that the legislature might have thought that the evil of bigamy could not be effectively put down unless ^astringent and set procedure is provided. Section 17 of the Hindu Marriage Act, 1955 provides for punishment of bigamy in the manner set out in Sections 494 and 495 of the Indian Penal Code. In these provisions the principle of monogamy is reiterated and given statutory recognition. based on the ~~important~~ policy of the Government. It is an important condition of service for Government servants.



We are, therefore, satisfied that a lenient penalty is not called for in cases involving a charge of bigamy. However, we cannot ignore the human aspect. The extreme penalty of removal from service is bound to render the applicant and his family destitute. Further, the applicant having put in a long period of unblemished service and to the satisfaction of his superiors, should not be sent home without any recompense for his past service. We, therefore, consider that the ends of justice would be met if the penalty of removal from service imposed on the applicant is reduced ^{to} the penalty of compulsory retirement, effective from the date of passing of this order. The penalty imposed by R2 and confirmed by R1 is modified accordingly.

6. In the result, the appeal is partly allowed on the quantum of penalty. No orders as to cost.



Sd/-

(Ch. Ramakrishna Rao)
Member (J)

Sd/-

(L.H.A. Rego)
Member (A)

(C.O. 48)

bsg/-

- True Copy -

[Signature]
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

D.No. 1078/89 IVA

SUPREME COURT OF INDIA
NEW DELHI

Dated 11-5-89

From:

The Additional Registrar,
Supreme Court of India

To

The Registrar

Central Administrative Tribunal
at Bangalore.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 7163/89
(Petition under Article 136 of the Constitution of India,
for Special Leave to Appeal to the Supreme Court from the
Judgment and Order dated 16-10-87 of the High Court
of Central Administrative Tribunal at Bangalore
in Appln. No. 1410/87

M. M. Addangi

versus

Union of India and Ors

.....Petitioner .

.....Respondents .

I am to inform you that the Petition above-mentioned
for Special Leave to Appeal to this Court was/were filed on
behalf of the Petitioner above-named from the Judgment/Order
of the Central Administrative Tribunal at Bangalore
noted above and that the same was/were dismissed/disposed of
by this Court on the 9th day
of May, 1989.

Yours faithfully,

for ADDITIONAL REGISTRAR.

ns/19.4.89/iva