APHC010603432024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3545]**
(Special Original Jurisdiction)

FRIDAY,THE SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 48/2025

Between:

1. THE DIRECTOR GENERAL, CISF, BLOCK NO.13, CGO COMPLEX, LODHI ROAD, NEW DELHI.
2. THE INSPECTOR GENERAL, CISF, SOUTHERN SECTOR, HEADQUARTERS, CHPT CAMPUS, CHENNAI.
3. THE DEPUTY INSPECTOR GENERAL, CISF,, SPACE CENTRE, NEW BEL ROAD, BANGALORE-560094.
4. THE COMMANDANT, CISF,, SHAR CENTRE, SRI HARI KOTA, NELLORE DISTRICT, ANDHRA PRADESH.

...APPELLANT(S)

AND

1. KUDIPUDI SURI BABU, S/O ADINARAYANA, AGE 33 YEARS OCC NIL, R/O DOOR NO.4-220, PATAVALA VILLAGE, THALLAREVU MANDAL, EAST GODAVARI DISTRICT.
2. UNION OF INDIA, REP. BY ITS SECRETARY, MINISTRY OF HOME AFFAIRS, NORTH BLOCK, CENTRAL SECRETARIAT, NEW DELHI - 110001. NEW DELHI.

...RESPONDENT(S):

Counsel for the Appellant(S):

1. VENNA HEMANTH KUMAR(CENTRAL GOVERNMENT COUNSEL)

Counsel for the Respondent(S):

1. P S P SURESH KUMAR

The Court made the following:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

And

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL No.48 of 2025

JUDGMENT: *((Per Hon'ble Sri A. Hari Haranadha Sarma)*

Introductory:-

This Writ Appeal is directed against the Order dated 05.03.2024 passed by the learned Single Judge of this Court in W.P.No.14766 of 2018. The unsuccessful respondents in the Writ Petition are before this Court with a prayer to set aside the impugned orders and to pass appropriate orders.

2. The 1st respondent herein is the Writ petitioner.

3. Heard learned counsel on both sides.

4. For the sake of convenience, parties will be hereinafter referred to as the Writ petitioner and the respondents as and how they are referred in the impugned orders.

Facto matrix:-

5. [i] On the charge of Writ petitioner opting second marriage with one Prameela Pativada, while working as constable in CISF Department during the subsistence of his first marriage with one K. Nagalakshmi, against the Central Civil Services (Conduct) Rules, 1964 and CISF Rules, 2001 and after inquiry, the 5th respondent in the Writ Petition passed orders dated 11.01.2017 imposing punishment of compulsory retirement with 2/3rd

gratuity. Questioning the same, appeal was preferred by the writ petitioner before the 4th respondent/appellate authority and the same was rejected under orders dated 01.06.2017.

[ii] Revision preferred against the same was dismissed on 21.11.2017 by the 3rd respondent, confirming the orders of the respondents No.4 and 5. Finally, the Writ petitioner was discharged from service by way of compulsory retirement.

[iii] Writ Petition is filed seeking the relief of Writ of Certiorari, calling for the records, pertaining to the orders of the respondents 3 to 5, including confirmation of punishment of compulsory retirement and to quash the same, after declaring the same as illegal, arbitrary and in violation of principles of natural justice and violation of Article 14, 19(g) and 21 of the Constitution of India and also to reinstate the petitioner into service with all consequential and attendant benefits and continuity of services etc..

Contentions of the Writ petitioner, in brief:-

6. [i] Against the charges under Article – I - *that he has entered into a marriage with one Prameela Pativada, Mahila Constable/GD in CISF Department, having a spouse living by name K.Nagalakshmi* and against the Article-II, *that he has concealed and suppressed fact of having marriage with another lady*, he has submitted an explanation stating that his marriage with Prameela Pativada was not accepted by his family members. In exceptional

circumstances, due to pressure of his parents, he married one K.Nagalakshmi, who is none other than his relative.

[ii] After the said marriage, K.Nagalakshmi has initiated various criminal cases against him and that marriage is also in trouble and he has initiated proceedings for divorce. This shows that he is in deep troubles and burden with family responsibility as well as financial crisis. At that stage, imposing compulsory retirement is harsh and disproportionate.

[iii] Even if the allegations were to be true, they do not create any problem for his continuation in employment. Therefore, imposition of major penalty of compulsory retirement will be prejudicial to his interest. His good service track record is ignored while imposing punishment.

[iv] Against the orders of punishment of compulsory retirement, his appeal and revision ended against him; but the charge memo, allegations are not pertaining to any of his duties and the same are outside the course of his employment. Hence, they cannot be taken into consideration for awarding punishment.

7. <u>Contentions of the respondents in counter affidavit:-</u>

[i] Against the Writ petitioner charges are levelled under Rule-36 of CISF Rules, 2001 vide memorandum dated 30.08.2016 of the 5th respondent, with two charges, for entering into marriage with Prameela Pativada, Mahila constable without judicially separating from K.Nagalakshmi

by a Court decree and another for suppressing the factum of having marriage with another lady, while having spouse living. The excuse that parents/family did not accept his marriage with Prameela Pativada and forced him to marry K.Nagalakshmi is not tenable.

[ii] Being Government Servant of the disciplined Force of Union of India, the petitioner should not have married another lady constable, while his first spouse is alive and his first marriage in subsistence. He has not submitted any divorce decree passed by competent Court.

[iii] In accordance with Rule 21(2) CCS (Conduct) Rules, 1964, and Rule 18(b) CISF Rules 2001, the petitioner is not entitled to contract another marriage, when his spouse is living and without there being any decree of divorce from the competent Court of Law.

[iv] Ample opportunity is provided to defend himself in Departmental enquiry. But he failed to defend himself, legally or factually. Therefore, the punishment of compulsory retirement from service with 2/3rd gratuity is proper.

Findings of Learned Single Judge:-

8. [i] Doctrine of proportionality is an aspect requires examination in imposition of punishment in service law.

[ii] If punishment awarded is grossly in excess to the allegations, the judicial review is open, as per the observations of the Hon'ble Apex

Court in **Chairman-cum-Managing Director, Coal India Ltd. and another V. Mukul Kumar Choudhuri and Ors.***[2019 (5) SCC 620]*.

[iii] In a case in **Lucknow Kshetriya Gramin Bank V. Rajendra Singh** *[(2013) 12 SCC 372]* the Honourable Apex Court enumerated the scope of judicial review on disciplinary proceedings vide para 19.

[iv] In a case between **Union of India and Ors. And Pranab Kumar Nath** vide W.A.No.357 of 2022 dated 18.01.2023, the Division Bench of the Hon'ble Gouhati High Court in a case of second marriage, during the subsistence of first marriage, found punishment of dismissal as violative.

[v] Further, in **Trilok Singh Rawat Vs. Union of India** ***[****2000(3) GLT 558]*, observed that lenient punishment ordered to be taken as opposed to punishment of dismissal. In ***Trilok Singh Rawath***'s case, found that dismissal is a most extreme punishment, having effect of cutting the sources of income, depriving him and his dependants of the means of sustenance. Apart from that he will not be eligible for re-employment in a public sector and in the opinion of the Division Bench in the said case, act of contracting a second marriage can be said to be an act of indiscipline, yet it cannot be said as one of the most heinous from of misconduct, for which he must be necessarily visited with the punishment of dismissal.

[vi] Where the punishment shocks the conscience of the Court for being disproportionate, the Court has jurisdiction to review the same. As

per the explanation of the petitioner, he was in relation with one Mahila constable even prior to the marriage with one K.Nagalakshmi and he has married said Mahila Constable but he could not convince the family members and that due to pressure of parents, he married said K.Nagalakshmi.

[vii] The petitioner said to have obtained divorce under mutual consent with K.Nagalakshmi.

[viii] Since the compulsory retirement has the effect of depriving the individual and his family, the punishment can be considered as excessive.

[ix] Finally, learned Singe Judge remanded the matter to disciplinary authority for passing fresh orders, imposing any penalty other than compulsory retirement on the petitioner, keeping in view of the specific facts and circumstances of the case.

Grounds and Arguments in the Appeal:-

9. For the appellants/department:-

1) The judgments relied on by the learned Single Judge, is relating to dismissal of an employee and the same is not applicable to the context, as the punishment imposed in the present case is a compulsory retirement.

2) The Appellants-Department is a paramilitary establishment, therefore, the tolerance towards in-discipline will have serious adverse effect.

3) Learned Single Judge having observed that the petitioner has violated the Rule 21 of Central Civil Services (Conduct) and Rules 18(b) of the CISF Rules, 2001, which prohibits the government employee in contracting a second marriage, during the subsistence of first marriage, ought not to have taken lenient and sympathetic view.

4) Learned Single Judge ought to have observed that once a charge of second marriage is proved against the member of disciplined force, punishment of dismissal or removal cannot be shocking to invoke mercy.

5) This approach of directing imposition of a lesser punishment in cases of this type will have an effect of a precedent, whereby the intended discipline cannot be ensured among the employees.

For the respondents:-

10. The orders of the learned Single Judge are well reasoned and remanding the matter to pass appropriate punishment other than the compulsory retirement, is justified, therefore, does not warrant any interference.

11. Now the points that require consideration in this appeal are,

(1) *Whether the second marriage of the writ petitioner during the subsistence of his first marriage amounts to serious misconduct and whether the punishment of compulsory retirement ordered for opting conscious bigamous marriage by the writ petitioner is disproportionate and excessive?*

(2) When a Court while remanding the matter to disciplinary authority, can direct a particular punishment to be imposed by fixing cap?

(3) Whether the penalty of compulsory retirement under the Orders dated 11.01.2017 of the 5th respondent and the consequential orders of the respondents No.4 and 5 are proper? Or whether the impugned orders passed by the learned Single Judge in setting aside such orders require any interference?

(4) What is the result of the appeal?

Points 1 to 3 are interlinked, hence, answered together:-

Precedential Guidance:

12. [i] In a case between ***B.C.Chaturvedi V. Union of India*** *and* ***Others***[1] *the Hon'ble Apex Court* considered the scope of judicial review, against the findings of the disciplinary authority and appellate authority, relevant observations are made at para 12 and 13, which reads as follows:-

> **"12.** Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure

[1] (1995) 6 SCC 749

that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to re-appreciate the evidence or the nature of punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel [(1964) 4 SCR 718 : AIR 1964 SC 364 : (1964) 1 LLJ 38] this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers

from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."

[ii] Further, in the said judgment, Hon'ble Apex Court observed the scope and powers of the Court as to interference with punishment vide para 18, which are as follows:-

> **"18.** A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof."

[iii] In a case between ***D.K. Nanjundaiah v. Chief Quality Assurance Officer***[2]**,** the Division Bench of High Court of Karnataka, addressed the scope of CCA Service Rules, 1965, Rule 21, particularly in relation to contract of second marriage, during subsistence of earlier marriage and the scope of powers of High Court in terms of article 226, after referring to

[2] (2008) 2 AIR Kant R 390 : 2007 SCC OnLine Kar 616

Raebareli Kshetriya Gramin Bank v. Bholandth Singh[3], the observations of the Hon'ble High Court of Karnataka in para 17 and 18 held as follows:-

> **"17.** Judicial review over finding of facts recorded by a fact finding Tribunal or authority, it is trite is very much circumscribed and limited by a catena of decisions of the Apex Court and the High Courts. Unless in a given case, the Court finds that the finding of fact recorded by an authority statutory or otherwise, is based on no evidence, it cannot re-appreciate the evidence led before the authority and arrive at a different conclusion than the one arrived at by the authority as if the court sits in appeal over the decision taken by the authority. In addition, in a departmental or domestic enquiry allegations levelled against a delinquent can be proved on the basis of preponderance of probabilities and not proof beyond reasonable doubt. This is the law declared in *Union of India* v. *Sardar Bahadur* [1972 (1) LLJ 1 (SC).]
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> **18.** It is now well settled that while reviewing disciplinary proceedings initiated and action taken by an employer against a delinquent employees, the Court cannot go into the question of adequacy or sufficiency of evidence on the basis of which findings are recorded by an Enquiry Officer or disciplinary authority, if the findings are based on some legal evidence, the reviewing courts are not entitled to interfere with the findings. The finding of fact recorded by the Enquiring Officer or disciplinary authority cannot be reversed on re-appreciation of evidence on record. It is elsewhere said that judicial review is not akin to adjudication of the case on merits. The High Court in the proceedings under Article 226 of the Constitution does not act as an appellate authority but exercises within the limits of judicial review to correct the error of law or procedural errors leading to manifest injustice or violation of principles of natural justice, as held by the Supreme court in *Raebareu Kshetriya Graminrank* v. *Bholanath Singh*[2]. The Apex Court in *Sodhi* v. *Union of India* [AIR 1992 SC 1617.] and *State of Madhya Pradesh* v. *M.V. Vyavasaya & Company* [(1997) 1 SCC 156 : AIR 1997 SC 993.] , authoritatively stated that the High Court should not ordinarily enter into disputed question of fact like an appellate court. In *State of Orissa* v.

[3] (1997) 3 SCC 657 : AIR 1997 SC 1908

Muralidhar [AIR 1963 SC 404.] and in *State of Madras* v. *Sundaram* [AIR 1964 SC 1103.] , the Supreme Court held that the findings of fact cannot be interfered with on the ground that the findings on which it was based was not satisfactory or sufficient. In conclusion, we are of the opinion that the writ petition is without merit and is, accordingly rejected.

[iv] Further, in a case between ***Lucknow Kshetriya Gramin Bank v. Rajendra Singh***[4]**,** the Hon'ble Supreme Court examined the scope of judicial review on the quantum of punishment that can be imposed, vide para 15 and 19, which reads as follows:

"**15.** As is clear from the above that the judicial review of the quantum of punishment is available with a very limited scope. It is only when the penalty imposed appears to be shockingly disproportionate to the nature of misconduct that the courts would frown upon. Even in such a case, after setting aside the penalty order, it is to be left to the disciplinary/appellate authority to take a decision afresh and it is not for the court to substitute its decision by prescribing the quantum of punishment.

…….

19. The principles discussed above can be summed up and summarised as follows:

19.1. When charge(s) of misconduct is proved in an enquiry the quantum of punishment to be imposed in a particular case is essentially the domain of the departmental authorities.

19.2. The courts cannot assume the function of disciplinary/departmental authorities and to decide the quantum of

[4] (2013) 12 SCC 372 : 2013 SCC OnLine SC 677 at page 381

punishment and nature of penalty to be awarded, as this function is exclusively within the jurisdiction of the competent authority.

19.3. Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such penalty is found to be shocking to the conscience of the court.

19.4. Even in such a case when the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee, the appropriate course of action is to remit the matter back to the disciplinary authority or the appellate authority with direction to pass appropriate order of penalty. The court by itself cannot mandate as to what should be the penalty in such a case.

19.5. The only exception to the principle stated in para 19.4 above, would be in those cases where the co-delinquent is awarded lesser punishment by the disciplinary authority even when the charges of misconduct were identical or the co-delinquent was foisted with more serious charges. This would be on the doctrine of equality when it is found that the employee concerned and the co-delinquent are equally placed. However, there has to be a complete parity between the two, not only in respect of nature of charge but subsequent conduct as well after the service of charge-sheet in the two cases. If the co-delinquent accepts the charges, indicating remorse with unqualified apology, lesser punishment to him would be justifiable."

[v] In a case between ***Ashwani Kumar vs. Union of India***[5] vide W.P.(C) 5048 of 2022 decided on 20.08.2025 a Division Bench of High Court of Delhi, in respect of an employee contracting second marriage, while first marriage was subsisting more particularly with reference to CISF Rules 2001 vide Rule 18 observed that the disqualification applies not only

[5] 2025 Supreme(Online)(Del) 5110

to the initial appointment but also towards later stages, the relevant observations are made in para 3, which reads as follows:-

> "3. Though Rule 18 of the CISF Rules would seem to indicate that the disqualification from contracting a second marriage when the first marriage is subsisting applies only at the stage of appointment to the Force, a Division Bench of this Court, in its judgement in Ex. Head Constable Bazir Singh v UOI , Judgement dated 2 May 2008 in WP (C) 8949/2005 , held thus, in the context of Rule 7, [7. Disqualification.—No person,-] of the Border Security Force Rules:
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> > "9. … No doubt, this Rule is contained in the chapter 'Recruitment' and stipulates that any person who enters into marriage while having a spouse shall not be eligible for appointment. However, if a person with 2 wives is not eligible even for appointment, obviously is not permitted to do so after getting appointment. It would be totally absurd to say that he would be entitled to perform 2nd marriage after he entered the service. The aforesaid role has to be given pragmatic and constructive interpretation in order to advance and subserve the objective with which the said rule is inserted. The spirit and purport behind the Rule cannot be negated by such a hyper technical approach which the petitioner seeks to advance. The rationale and objective of the Rule is abundantly clear, namely, a person with 2 wives when not made even eligible for appointment and recruitment to the service, he cannot enter into 2nd marriage after his appointment as well. When an employee so, he would be rendered ineligible to continue in the employment, as that is the basic eligibility condition for the appointment itself."
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> Judgements of coordinate Benches are ordinarily binding precedents, **Mary Pushpam v Telvi Cursumary**, *(2024) 3 SCC 224* with the limited leeway of allowing a reference to a larger Bench, in the event that the judgement is found to be completely unacceptable. That, however, is a course of action which is not to be routinely adopted, so that the confidence of the citizen in the judicial institution, and the interests of consistency, are protected."

[vi] Further, in a case between ***J.Bernard Philip Leo vs. The Assistant Director of Survey & Land Records and Ors***., vide para 10 the Hon'ble High Court of Madras, while considering the case of a government servant, charged with bigamous marriage under the Tamil Nadu Civil Services (Discipline and Appeal) Rules, observed that the second marriage, during the life time of the first wife constitutes a grave misconduct under the Rules while upholding the penalty of removal from service.

13. It is clear from the observations of Hon'ble Supreme Court in ***Lucknow Kshetriya Gramin Bank's*** *case [cited supra]* ***vide paras 15 and 19*** *and also from* ***B.C.Chaturvedi's*** *case [cited above],* vide para 18, the power to impose appropriate penalty is the prerogative of the disciplinary authority. The scope for interference to consider whether the punishment imposed is disproportionate arises where the punishment shocks conscience.

Analysis and Reasoning:-

14. It is not the case of the Writ petitioner herein that the procedure contemplated is not followed; nor it is the case that principles of natural justice are violated. Writ petitioner's only excuse is that he was under the pressure of the parents to opt for another marriage.

15. (1) Learned Single Judge appears to have been convinced with the submission of the learned counsel for the Writ petitioner that the Writ petitioner obtained divorce by mutual consent with K.Nagalakshmi and that

the compulsory retirement will have effect on the family members dependent on the Writ petitioner.

(2) The disciplinary authority has observed that considering 10years of service to the organisation and family responsibilities, by exercising the power conferred under Rule 32 of CISF Rules, in conjunction with Rule 34 of sub-Rule (iii) CISF Rules, 2001, penalty of compulsory retirement from service with 2/3rd gratuity is awarded.

(3) The appellate authority also specifically observed that the penalty imposed by the disciplinary authority under the impugned award is found to be well commensurate with gravity of the rule and charge.

(4) Revisional authority after considering the orders of disciplinary authority and appellate authority found that the punishment awarded is proportionate to the gravity of charge.

16. (1) The second marriage of the Writ petitioner during the subsistence of the first marriage is not in dispute.

(2) Opting the second marriage, during the subsistence of the first marriage is an indiscipline and violation of Rule 21 of Central Civil Services (Conduct) Rules, 1964 and Rule 18(b) of CISF Rules 2001.

17. For the misconduct of a public servant the penalties are prescribed as per service rules, leaving the discretion to the disciplinary authority to impose appropriate punishment depending on the gravity of the misconduct. The second marriage during the subsistence of the first marriage is not merely a moral turpitude. It is an offence under penal laws. Absence of

criminal prosecution cannot be an excuse. Procedure for penalizing under criminal law and procedure for taking action in terms of service law are separate wings.

18. Learned single Judge remanded the matter to the disciplinary authority, directing to impose any punishment other than the compulsory retirement. This is in our view not in alignment with the observations of the Hon'ble Supreme Court in ***Lucknow Kshetriya Bank Vs. Rahendra Singh's case*** *[cited 4 supra]*, particularly para 19 (1) to (4). The defence of the Writ petitioner that his second marriage is nothing to do with his official duties is not acceptable.

19. The concern of the learned Single Judge is that the dependents will suffer. In every case of a major penalty, the dependents will suffer. In certain situations involving serious violations of law, sympathy shall have no role. In the present case, even if the matter is remitted back to the disciplinary authority, leaving it open as to quantum of punishment to be imposed, the disciplinary authority will impose the same punishment. It is not as if no reasons are assigned while imposing the punishment. So called first marriage with one K.Nagalakshmi claimed to have been ended in divorce. Writ petitioner's second marriage with one Prameela Pativada, is said to be continuing. She is an employee. It is relevant to note that in the final order of disciplinary authority, the statements of the witnesses, particularly K.Nagalakshmi, extracted which shows that "*when examined by PO through a question as to whether she and charged Official had made*

any agreement on mutual separation, she categorically denied stating that she had never entered into any agreement for legal separation."

20. In the facts and circumstances of the case and upon considering the observations in the orders impugned as well as the observations made by the learned Single Judge in the Writ orders, we are of the view that remanding the matter, keeping the quantum of punishment to be open, is not necessary for the following reasons –

[i] The disciplinary authority has considered the proportionality of the punishment with reference to the charge.

[ii] The appellate and revisional authority, in once voice, concurred with the view of the disciplinary authority.

[iii] Admittedly there is second marriage and the employee has sought for apologies during the statements as per the observations, questioned orders of the department.

[iv] The law laid down by the Supreme Court in the authorities cited above indicates that it is the prerogative of the disciplinary authority to impose an appropriate punishment, and interference is possible only when the punishment shocks the conscience with reference to the charge.

[v] The misconduct alleged is grave in the context of the case, as it is evident from evidence that the marriage of writ petitioner with K.Nagalakshmi was in contemplation since his childhood, and the marriage with one Prameela Pativada was subsequent to the marriage with

K.Nagalakshmi, by suppressing the first marriage. It is also observed in the impugned orders that the writ petitioner was said to be in relation with Prameela Pativada, co-constable but married K.Nagalakshmi due to pressure of parents and thereafter he married Prameela Pativada. So, it is clear that there is conscious opting of two marriages by the writ petitioner and pressure of parents etc., is only a lame excuse.

[vi] As per the observations of the Hon'ble High Court of Madras in ***J.Bernard Philip Leo vs. The Assistant Director of Survey & Land Records and Ors***., vide para 10, the second marriage during the lifetime of the first marriage without divorce would constitute a grave misconduct and being continuing wrong, penalty of removal need not be interfered.

[vii] The authority relied upon by the learned Single Judge was in connection with the removal, where further employment will not be possible. Whereas in the present case, the punishment is compulsory retirement, which is not such a grave when compared to dismissal or removal from service.

21. For the reasons stated above, points No.1 to 3 framed are answered as follows:-

1) The punishment of compulsory retirement ordered for opting conscious bigamous marriage by the writ petitioner is not disproportionate.

2) Generally while not interfering with the findings of the charge, interfering with the quantum of punishment is not advisable unless the quantum of punishment is shocking the conscience of the Court. When the Court opts for remanding the matter to disciplinary authority for imposing punishment, fixing a cap is not necessary, as the remedy against the punishment that may be imposed will be open to the charged officer. Instead of fixing a cap, the Court remanding the matter can by itself quantify the punishment.

3) The impugned orders dated 05.03.2024 passed by the learned Single Judge in W.P.No.14766 of 2018 are liable to be set aside confirming and restoring the orders dated 11.01.2017 by the 5th respondent and consequential orders of the respondent No.4 and 3.

Point No.4:-

Result and Relief:-

22. **In the result**, the Writ Appeal is **allowed**, as follows :

[1] The impugned orders dated 05.03.2024 passed by the learned Single Judge in W.P.No.14766 of 2018 are set aside.

[2] The orders dated 11.01.2017 passed by the 5th respondent and consequential orders passed by the 4th respondent/appellate authority and the 3rd respondent/revisional

authority imposing compulsory retirement of the Writ petitioner/ respondent No.1 herein, shall stand restored and confirmed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BATTU DEVANAND

JUSTICE A.HARI HARANADHA SARMA

Dated: 07 .11.2025
Pnr

* **THE HONOURABLE SRI JUSTICE BATTU DEVANAND**

AND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 48 of 2025

% 07.11.2025

The Director General, CISF, Block No.13, CGO Complex, Lodhi Road, NEW DELHI And 03 Others.

.... Petitioner

Versus

$ Kudipudi Suri Babu, S/o.Adinarayana, Age 33 years, Occ:Nil,
R/o.Door No.4-220, Patavala Village, Thallarevu Mandal,
East Godavari District.

.... Respondent

! Counsel for the Petitioner : Sri Venna Hemanth Kumar

! Counsel for the Respondents : Sri P S P Suresh Kumar

< Gist:

> Head Note:

? Cases referred:

(1995) 6 SCC 749
(2008) 2 AIR Kant R 390 : 2007 SCC OnLine Kar 616
(1997) 3 SCC 657 : AIR 1997 SC 1908
(2013) 12 SCC 372 : 2013 SCC OnLine SC 677 at page 381
2025 Supreme(Online)(Del) 5110

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

AND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 48 of 2025

The Director General, CISF, Block No.13, CGO Complex, Lodhi Road, New Delhi And 03 Others. .... Petitioner

Versus

$ Kudipudi Suri Babu, S/o.Adinarayana, Age 33 years, Occ:Nil, R/o.Door No.4-220, Patavala Village, Thallarevu Mandal, East Godavari District.

.... Respondents

DATE OF ORDER PRONOUNCED: 07.11.2025

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

AND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

1. Whether Reporters of Local Newspapers may be allowed to see the Order? Yes/No

2. Whether the copies of Order may be marked to Law Reporters/Journals? Yes/No

3. Whether Your Lordships wish to see the fair copy of the Order ? Yes/No

JUSTICE BATTU DEVANAND

JUSTICE A.HARI HARANADHA SARMA

THE HON'BLE SRI JUSTICE BATTU DEVANAND

And

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

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