



2026:AHC:170614

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14282 of 2014

Prabhu Singh

.....Petitioner(s)

Versus

Union Of India And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Harindra Prasad, Jayendra Kumar Mishra, Keerti Mishra
Counsel for Respondent(s)	: A.S.G.I., Abrar Ahmad, S.C., S.C. Mishra

Reserved on 28.07.2026
Delivered on 13.08.2026

AFR

Court No. - 34

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Jayendra Kumar Mishra, learned counsel for the petitioner and Sri Abrar Ahmad, learned counsel for the respondents.
2. The instant petition has been filed by the petitioner seeking quashing of the order dated 08.07.2011, whereby he was removed from the services under Section 11(1) of the Central Reserve Police Force Act, 1949 for alleged misconduct with regard to the plural marriage, which is prohibited under Rule 15 of the Central Reserve Police Force Rules, 1955. The petitioner has also challenged the orders dated 04.06.2013 and 13.12.2013 passed by the Appellate Authority as well as by the Revisional Authority respectively, rejecting the appeal as well as the revision filed by the petitioner herein against the punishment order dated 08.07.2011.
3. Briefly stated facts of the case are that the petitioner herein was appointed as Constable in Central Reserve Police Force (CRPF). On the allegations of the second marriage solemnized by the petitioner during the subsistence of his first marriage without any formal permission from the department concerned, the disciplinary proceedings were initiated against the petitioner. On 08.01.2011, a charge sheet was issued against the

petitioner by initiating the disciplinary proceeding against the petitioner. For the said charges, the detailed disciplinary proceeding was carried out against the petitioner wherein the petitioner herein has categorically admitted that he was previously married with Smt. Urmila Devi in the year 1976 as per Hindu rights and customs. Thereafter, he was selected and appointed in the year 1988 in CRPF on the post of Constable (Jal Vahak). It is further admitted by the petitioner that in the year 1989, after his recruitment as Constable in CRPF, his previous wife, Smt. Urmila Devi had left the matrimonial house along with the children, and he could not find her despite search made by him. Thereafter, in the year 1992, he solemnized the second marriage with Smt. Pratima Devi and in his service record, he has declared that the said Smt. Pratima Devi to be his nominee in the service record and the name of Smt. Urmila Devi is nowhere referred in the service record.

4. It has been further admitted by the petitioner with regard to his second marriage that he has not taken any permission from the department nor he has informed about his second marriage to the department. The aforesaid facts have been admitted by the petitioner in his written representation as well as in his statement before the Inquiry Officer. On the basis of the aforesaid categorical admission and further evidence led before the Inquiry Officer, the Inquiry Officer has concluded in his report dated 06.06.2011 that the charges leveled against the petitioner for conducting the second marriage while subsistence of the previous marriage without any formal permission from the department are proved against the petitioner. Thereafter a show cause notice dated 14.06.2011 was issued to the petitioner by the disciplinary authority i.e. Commandant, 101 Battalion, RAF/ CRPF. Despite the receipt of the said show cause notice, the petitioner did not reply to the said show cause notice. Thereafter, the petitioner was called in the office by the disciplinary authority and he was heard, wherein he admitted with regard to previous marriage that no divorce has been taken by him since his wife left him and went to Delhi and has started living with some other person. After waiting for her for some period, the petitioner contracted the second marriage. Thereafter, vide impugned order dated 08.07.2011, the disciplinary authority passed an order of removal of the petitioner from the services under Section 11

of the CRPF Act read with Rule 15 of CRPF Rules, 1955. Being aggrieved by the said removal from services, the petitioner herein preferred an appeal before the Deputy Inspector General of Police, CRPF, New Delhi, which was also rejected vide order dated 04.06.2013, against which the petitioner also preferred a Revision before the Inspector General of Police, RAF/CRPF, New Delhi, which was also rejected vide order dated 13.12.2013.

5. Learned counsel for the petitioner further submits that after contracting the second marriage, the petitioner had duly intimated the department with regard to his second marriage by bringing on record the second wife as nominee in his service record and despite the aforesaid intimation given by the petitioner, no action was taken against the petitioner for sufficiently long period and all of sudden, in the year 2011, the disciplinary proceedings were initiated against the petitioner and he has been removed from services. It is further submitted by learned counsel for the petitioner that even if the charge of the second marriage proved against the petitioner, which is otherwise also admitted by the petitioner, at the most the minor punishment would be applicable in the instant case, which can be; (a) reduction in rank; (b) fine of any amount not exceeding one month's pay and allowances; (c) confinement to quarters, lines or camp for a term not exceeding one month; (d) confinement in the quarter-guard for not more than twenty-eight days, with or without punishment drill or extra guard, fatigue or other duty; and (e) removal from any office of distinction or special emolument in the force. However he could not have been removed from service as such. Therefore, the punishment awarded to the petitioner is disproportionate and in excess, which could not have been passed under Section 11 of the CRPF Act. Therefore, learned counsel for the petitioner seeks quashing of the impugned punishment order dated 08.07.2011 and orders dated 04.06.2013 and 13.12.2013 passed by the Appellate Authority as well as by the Revisional Authority, respectively.

6. Per contra, Sri Abrar Ahmad, learned counsel for the respondents submits that Rule 15 of the CRPF Rules, 1955 categorically prohibits the solemnization of the second marriage. Such second marriage could be solemnized, wherever it is permissible under the personal laws, but that

too with prior permission of the Department, not otherwise. Any member of the Force, if contracts the second marriage during the subsistence of his previous marriage loses its eligibility to remain the member of the disciplinary Force like CRPF, which requires strict moral character of the members of the Force. Thus, the contract of second marriage by any member of the Force disqualifies him to become a member of the Force. Had any member of the Force would have conducted the second marriage during the subsistence of the previous marriage before his selection and had this fact been disclosed, he could not have been appointed on this ground alone, despite the other eligibility criteria of such candidate.

7. It is further submitted by learned counsel for the respondents that the solemnization of the second marriage during the subsistence of the previous marriage by a member of the Force amounts to misconduct, which is punishable under Section 11 of the CRPF Act. Section 11 of the CRPF Act provides that the punishment as provided under clause- (a) to (e) of Sub-Section (1) would be in addition to or in lieu of the punishment of suspension or dismissal. Therefore, Section 11 of the CRPF Act itself prescribes the punishment of dismissal from service, even as the minor punishment for a person who is guilty of disobedience, neglect of duty and remissness in discharge of any duty or other misconduct in his capacity as a member of Force. Thus, learned counsel for the respondents submits that there is no illegality in the punishment of dismissal from service awarded to the petitioner on the admitted position that the petitioner has solemnized the second marriage during the subsistence of his previous marriage and that too without obtaining permission from the Department. Therefore, he submits that there is no illegality in the impugned order passed against the petitioner and he seeks dismissal of the instant petition.

8. Having heard the rival submissions so made by learned counsel for the parties, this Court has carefully gone through the record of the case. The facts of the case have already been noted herein above. It is undisputably admitted position in the instant case that the petitioner entered as a member of the Force in the year 1988, prior to which he was having first wife, namely Urmila Devi with whom he had solemnized the marriage in

the year 1976 and from whom he had children as well. Thereafter, in the year 1992, he solemnized second marriage with Smt. Pratima Devi without seeking any permission from the department. Though, it is also a fact that the petitioner has got entered the name of Smt. Pratima Devi as a nominee in his service record after his second marriage with her. Rule 15 of CRPF Rules as well as Rule 21 of the Central Civil Services (Conduct) Rules, 1964 (in short the 'CCS Conduct Rules') prohibits the second marriage during the subsistence of previous marriage.

9. Rule 15 of CRPF Rules reads as under:

"15. Plural marriages .-No member of the Force who has wife living shall contract any other marriage without first obtaining the permission of the Government notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to the member of the Force."

10. Rule 21 of CCS Conduct Rules reads as under:

"21. RESTRICTION REGARDING MARRIAGE: (1) No Government servant shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No Government servant having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Central Government may permit a Government servant to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2), if it is satisfied that -

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and

(b) there are other grounds for so doing.

(3) A Government servant who has married or marries a person other than of Indian nationality shall forthwith intimate the fact to the Government."

11. Thus, from the cumulative reading of rule 15 of CRPF Rules as well

as Rule 21 of CCS Conduct Rules, it is categorically clear that a government servant or the member of CRPF is prohibited to contract the second marriage while in service. However, such second marriage is permissible only in the circumstances, if the personal laws of such members of the Force permits such second marriage but that also ought to be conducted with the permission of the department. In the instant case, undisputedly the petitioner and his wife both are Hindus and governed by Hindu Marriage Act, which categorically prohibits the second marriage during the subsistence of the first marriage without decree of divorce from the competent court and it is also a categorical position that such second marriage, even if solemnized, is void ab initio. Therefore, it is undisputed in the instant case that the petitioner has violated Rule 15 of CRPF Rules as well as Rule 21 of CCS Conduct Rules, which amounts to a misconduct and is punishable under Section 11 of the CRPF Act.

12. Section 11 of CRPF Act reads as under:

"11. Minor punishments.—

*(1)The Commandant or any other authority or officer as may be prescribed, may, subject to any rules made under this Act, award **in lieu of, or in addition to, suspension or dismissal any one or more of the following punishments** to any member of the Force whom he considers to be guilty of disobedience, neglect of duty, or remissness in the discharge of any duty or of other misconduct in his capacity as a member of the Force, that is to say,—*

(a)reduction in rank;

(b)fine of any amount not exceeding one month's pay and allowances;

(c)confinement to quarters, lines or camp for a term not exceeding one month;

(d)confinement in the quarter-guard for not more than twenty-eight days, with or without punishment drill or extra guard, fatigue or other duty; and

(e)removal from any office of distinction or special emolument in the Force.

(2)Any punishment specified in clause (c) or clause (d) of sub-section (1) may be awarded by any gazetted officer when in command of any detachment of the Force away from headquarters, provided he is

pecially authorised in this behalf by the commandant.

(3)The Assistant Commandant, a company officer or a subordinate officer, not being below the rank of subedar or inspector, commanding a separate detachment or an outpost, or in temporary command at the headquarters of the Force, may, without a formal trial, award to any member of the Force who is for the time being subject to his authority any one or more of the following punishment for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to require prosecution before a criminal court, that is to say,—

(a)confinement for not more than seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance;

(b)punishment drill, or extra guard, fatigue or other duty, for not more than thirty days with or without confinement to quarters, lines or camp;

(c)censure or severe censure:

Provided that this punishment may be awarded to a subordinate officer only by the Commandant.

(4)A jemadar or sub-inspector who is temporarily in command of a detachment or an outpost may, in like manner and for the commission of any like offence, award to any member of the Force for the time being subject to his authority any of the punishments specified in clause (b) of sub-section (3) for not more than fifteen days."

13. From the plain reading of the aforesaid provisions of Section 11, it is apparent that if a member of the Force is guilty of misconduct, the punishment of suspension or dismissal or any one or more of the punishment provided in clause (a) to (e) of Sub-section 1 of Section 11 can be awarded in addition to or in lieu of sentence of suspension or dismissal.

14. In **Union of India and others vs. Ghulam Mohd. Bhat, (2005) 13 SCC 228**, the Apex Court has considered the implication and scope of section 11 (1) of CRPF Act 1949 as follows:

"5. A bare perusal of Section 11 shows that it deals with minor punishment as compared to the major punishments prescribed in the

preceding section. It lays down that the Commandant or any other authority or officer, as may be prescribed, may, subject to any rules made under the Act, award any one or more of the punishments to any member of the force who is found guilty of disobedience, neglect of duty, or remissness in the discharge of his duty or of other misconduct in his capacity as a member of the force. According to the High Court the only punishments which can be awarded under this Section are reduction in rank, fine, confinement to quarters and removal from any office of distinction or special emolument in the force. In our opinion, the interpretation is not correct, because the section says that these punishments may be awarded in lieu of, or in addition to, suspension or dismissal.

6. The use of words '**in lieu of, or in addition to, suspension or dismissal**', appearing in sub-section (1) of Section 11 before clauses (a) to (e) shows that the authorities mentioned therein are empowered to award punishment of dismissal or suspension to the member of force who is found guilty and in addition to, or in lieu thereof, the punishment mentioned in clause (a) to (e) may also be awarded.

7. It may be noted that Section 9 of the Act mentions serious or heinous offences and also prescribes penalty which may be awarded for them. Section 10 deals with less heinous offences and clause (m) thereof shows that absence of a member of the force without leave or without sufficient cause or overstay without sufficient cause, is also mentioned as less heinous offence and for that also a sentence of imprisonment is provided. It is, therefore, clear that Section 11 deals with only those minor punishments which may be awarded in a departmental inquiry and a plain reading thereof makes it quite clear that a punishment of dismissal can certainly be awarded thereunder even if the delinquent is not prosecuted for an offence under Section 9 or Section 10."

15. In **M. M. Malhotra vs. Union of India, (2005) 8 SCC 351**, the Apex Court has dealt with the meaning and scope of misconduct in great detail. The following observation would be relevant to be noted in the instant case:

"17. The range of activities which may amount to acts which are

*inconsistent with the interest of public service and not befitting the status, position and dignity of a public servant are so varied that it would be impossible for the employer to exhaustively enumerate such acts and treat the categories of misconduct as closed. It has, therefore, to be noted that the word “misconduct” is not capable of precise definition. But at the same time though incapable of precise definition, the word **“misconduct” on reflection receives its connotation from the context, the delinquency in performance and its effect on the discipline and the nature of the duty. The act complained of must bear a forbidden quality or character and its ambit has to be construed with reference to the subject-matter and the context wherein the term occurs, having regard to the scope of the statute and the public purpose it seeks to serve.***

18. In *Union of India v. Harjeet Singh Sandhu* [(2001) 5 SCC 593 : 2001 SCC (L&S) 891] in the background of Rule 14 of the Army Rules, it was held that any wrongful act or any act of delinquency which may or may not involve moral turpitude would be “misconduct” under Rule 14.

19. In *Baldev Singh Gandhi v. State of Punjab* [(2002) 3 SCC 667] it was held that the expression “misconduct” means unlawful behaviour, misfeasance, wrong conduct, misdemeanour, etc.

20. Similarly, in *State of Punjab v. Ram Singh Ex. Constable* [(1992) 4 SCC 54 : 1992 SCC (L&S) 793 : AIR 1992 SC 2188] it was held that the term “misconduct” may involve moral turpitude. It must be improper or wrong behaviour, unlawful behaviour, wilful in character, forbidden act, a transgression of established and definite rule of action or code of conduct but not mere error of judgment, carelessness or negligence in performance of the duty; the act complained of bears forbidden quality or character.

21. “Misconduct” as stated in *Batt's Law of Master and Servant* (4th Edn. at p. 63) “comprised positive acts and not mere neglects or failures”. The definition of the word as given in *Ballentine's Law Dictionary* (148th Edn.) is: “A transgression of some established and definite rule of action, where no discretion is left except what necessity may demand, it is a violation of definite law, a forbidden act. It differs from carelessness.”

22. It may be generally stated that the conduct rules of the government and public sector corporations constitute a code of permissible acts and behaviour of their servants.

23. *The scheme of the Conduct Rules, almost invariably, is to first of all enunciate a general rule of conduct and behaviour followed by specific prohibitions and restrictions. For example, Rule 3 of the Central Civil Services (Conduct) Rules, 1964 which occurs under the heading "General" provides that every government servant shall at all times:*

- (i) maintain absolute integrity;*
- (ii) maintain devotion to duty; and*
- (iii) do nothing which is unbecoming of a government servant."*

16. In **Union of India and Others vs Rama Shankar, 2012 SCC OnLine Gau 943**, the Division Bench of the Gauhati High Court has observed as under:

"26. As has already been noticed above, bigamy is prohibited by rule 21 of the Central Civil Services (Conduct) Rules, 1965. When bigamy is expressly prohibited under the law (except the two exceptions mentioned in the proviso which are not attracted and applicable in the present case), it would not be correct to say that punishment of dismissal from service on a proven charge of bigamy would be disproportionate on the ground that under the criminal law bigamy is a decompoundable offence, more so when the delinquent was a member of a disciplined force like the Assam Rifles. Continuation of such a person in the force may have an adverse affect on the overall image of the force. It may affect the public perception that a person guilty of bigamy can still continue as a member of such force. Moreover, it may have a cascading effect on the overall morale and discipline of the force. The further view taken by the Single Bench that the second marriage has nothing to do with either the official position of the petitioner or the discharge of official duties does not appear to us to be a correct appreciation of the consequences of a proven charge of bigamy."

17. This Court, in **Civil Misc. Writ Petition No. 27190 of 1997, Veer Pal Singh vs. Senior Superintendent of Police, Agra reported in 2006 (5) ALJ 307**, has taken a view that if in any country where bigamy is offence, a government servant guilty of committing offence cannot be asked to continue in service, after award of lesser sentence.

18. In view of the aforesaid judgments and the provisions of law as noticed herein above, it is apparent that the offence of bigamy i.e. the second marriage contracted during the subsistence of previous marriage by any member of the disciplinary force like CRPF, which is categorically prohibited in the CRPF Rules is a misconduct and attracts the minor punishment under section 11 of CRPF Act as has already been noticed by the Apex court in ***Ghulam Mohd. Bhat, (supra)*** that the punishment provided under clause (a) to (e) of section 11 (1) are the punishment in addition to or in lieu of the punishment of suspension or dismissal. Thus, by any stretch of imagination, it cannot be said that the punishment of dismissal cannot be awarded under section 11 of the Act, which is categorically provided in section 11 (1) of the CRPF Act.

19. It is an admitted case on behalf of the petitioner that he has contracted the second marriage without seeking any divorce before any competent court, though he has claimed that he intimated the department by getting the name of his second wife recorded as a nominee in his service record. However, he is unable to demonstrate that while seeking the nomination of Pratima Devi wife in the service record, he has ever disclosed that she is his second wife. It is apparent that he has got her name recorded by only disclosing that she is his wife. Had this fact been disclosed by the petitioner that she is the second wife after his nomination in service record, disciplinary action would have been taken against him at that stage itself. Non-disclosure of the aforesaid facts to the department, is an act of deliberate concealment on the part of the petitioner, which could be traced out in the year 2010-11. Accordingly, the disciplinary proceedings were initiated against the petitioner, wherein he categorically admitted that Pratima Devi is his second wife and first wife is still alive. Therefore, the charge of bigamy is categorically proved against the petitioner and accordingly, the order of punishment of dismissal from service has been passed against the petitioner under section 11 (1) of the CRPF Act, which is the permissible punishment to be awarded.

20. Though, it has been argued on behalf of the petitioner that the said punishment is excessive and disproportionate to the guilt of the petitioner, it is a settled principle of law that the proportionality of the punishment awarded by the disciplinary authority can be looked into by the courts

only when it shocks the conscience of the court and which is shockingly disproportionate, or when it is impermissible under the Rules.

21. In the instant case, the petitioner has not brought any circumstances from which it could be inferred that the punishment awarded by the disciplinary authority is excessive, disproportionate or impermissible under the relevant legal provisions.

22. In such view of the matter, this Court does not find that the punishment awarded to the petitioner is disproportionate, excessive or impermissible. Accordingly, the instant petition fails and is hereby **dismissed**.

(Anish Kumar Gupta,J.)

August 13, 2026

Ashish Pd.