

IN THE HIGH COURT FOR THE STATE OF TELANGANA

HYDERABAD

* * * *

+ WRIT PETITION No.9473 of 2005

Between:

Balakrishna Mahadeo Tayade .. Petitioner

AND

Union of India, represented by its Secretary, Ministry of Home
Affairs, New Delhi and two others.

.. Respondents

JUDGMENT PRONOUNCED ON: 07.04.2026

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? : Yes
2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? : Yes
3. Whether His Lordship wishes to
see the fair copy of the Judgment? : Yes

NAMAVARAPU RAJESHWAR RAO, J

*** THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

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Balakrishna Mahadeo Tayade

.. Petitioner

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Home Affairs, New Delhi and two others.

... Respondents

!Counsel for the Petitioner : Sri J.V. Prasad

^Counsel for Respondents : Mrs. Anjali Agarwal,
Learned SC for Central Govt.

<Gist :

>Head Note :

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

Dated this the 7th day of April, 2026

WRIT PETITION No.9473 of 2005

Between:

Balakrishna Mahadeo Tayade .. Petitioner

AND

Union of India, represented by its Secretary, Ministry of Home
Affairs, New Delhi and two others.

.. Respondents

ORDER:

The present Writ Petition is filed to set aside the order of the 3rd respondent in No.P.VIII-17/2000-5-EC-2 dated 22.02.2001, as confirmed by the order of the 2nd respondent in No.RX-III-7/2001-ESTT-3 dated 04.05.2001, and consequently direct the respondents to reinstate the petitioner into service with all back wages.

2. Heard Sri J.V. Prasad, learned counsel for the petitioner and Mrs. Anjali Agarwal, learned Standing Counsel for Central Government, appearing for the respondents. Perused the record.

3. Brief facts of the case are as follows:

(a) Petitioner joined the Central Reserve Police Force on 04.12.1990 as a Cook in 100Bn, Nagpur Centre, Nagpur. In his entire service, there were no adverse remarks against him except the impugned orders. The petitioner was removed from service after the 3rd respondent conducted a departmental enquiry, issuing a memorandum of charges along with statements of articles, alleging that he committed an act of misconduct in his capacity as a member of the force under Sec 11(1) of CRPF Act, 1949. In that, it is alleged that he contracted one Ms. Sangita D/o Janrao Gawai, and married her, while he was already married and was living with his legally wedded wife, Smt. Sangeeta alias Pradhya D/o Ajabrao Bondaji Wankhade, without getting a divorce from her.

(b) The petitioner's marriage had taken place with Sangeeta alias Pradhya on 30.03.1997. Later, she left the house, and their divorce was finalized on 10.04.2000. Thereafter, his maternal uncle, Janrao Gawai, sent his daughter, Sangeeta, to his house to look after and care for the petitioner's aged parents, as the petitioner was in Central Government service and posted to different places across the country. The said Sangeeta is actually the petitioner's maternal uncle's daughter. The said Sangita alleged that the

marriage had taken place between them on 09.09.1998 and on the said false plea, she filed a case u/s 125 of Cr.P.C against the petitioner. The J.M.F.C., Anjangaon Surji, in Miscellaneous Criminal Case No.159/99 on 16.02.2002 passed the order granting maintenance of Rs.500/- per month to the complainant Sangeeta. Being aggrieved by the said order, the petitioner preferred a Revision before the Additional Sessions Judge, Achalpur, which was set aside.

(c) The Departmental enquiry conducted by the Commandant as the Enquiry Officer is erroneous and the finding therein is perverse and far from the actual truth. The Enquiry Officer gave a finding without conducting a detailed enquiry or considering the petitioner's version. The 3rd respondent did not provide a proper opportunity to the petitioner, as noted by the learned Additional Sessions Judge in Cr.Rev.No.10/2002 dated 24.08.2004. It was observed that the marriage was recorded in the Gram Panchayat records by Sangeeta based only on the statement of the complainant's brother, without the presence of either the complainant or the petitioner. This shows that the marriage was recorded without any substantial proof with a *mala fide* intention to create false documents to trap the petitioner and to grab his property. The

learned Additional Sessions Judge gave a clear finding that the Gram Panchayat record cannot be taken as valid proof.

4. Learned counsel for the petitioner submits that respondents No.2 and 3 ought to have seen that there was no concrete evidence placed before them to show that the petitioner had, during the subsistence of his earlier marriage, married the complainant for the second time, except a letter issued by the complainant herself, i.e., Ms. Sangita, alleging the marriage.

5. Learned counsel for the petitioner further submits that the findings of the Enquiry Officer that the petitioner had plural marriage were not proved beyond a reasonable doubt. The Additional Sessions Judge, Achalpur, has set aside the trial court's order and acquitted the petitioner from all the charges. As such, the respondent's action in removing the petitioner from service is highly perverse. Accordingly, prayed to allow the Writ Petition.

6. Learned counsel for the Standing counsel for the respondents filed a counter by contending that the departmental enquiry was conducted against the petitioner as per the procedure laid down, and there was no procedural

irregularity. Petitioner also submitted a representation on 25.02.2001 to DIGP, CRPF, Hyderabad (Appellate authority), which was rejected by DIGP, CRPF, Hyderabad, vide Office Order, dated 16.05.2001, being devoid of merit.

7. Learned counsel for the Standing counsel further submits that the petitioner was enlisted in the Force on 04.12.1990 as a cook and accordingly he was paid pay and allowances till he served in the Force. A complaint was received from Smt. Sangeeta D/o Shri Janrao Gawai, stating that the petitioner was not providing any amount for her maintenance. On enquiry, it is revealed that the petitioner initially married Smt. Sangeeta D/o Shri Ajab Rao Bondaji Wankhade on 30.03.1997 and again married another lad by the name Sangeeta D/o Janrao Gawai on 09.09.1998 without getting a divorce from the first wife through the Court of Law. He got divorced from his legally wedded wife (first wife) on 10.04.2000. Accordingly, the petitioner was chargesheeted under Section 11(1) of the CRPF Act, 1949, for his misconduct in his capacity as a member of the Force, namely contracting a plural marriage, which is against Rule-15 of the CRPF Rules, 1955.

8. Learned counsel for the Standing counsel further submits that Rule 15 of the CRPF Rules, 1955 strictly prohibits that no

member of the Force who has a living wife shall contact any other marriage without first obtaining the permission of the Government. The argument of the petitioner that there was no evidence for his plural marriage, except a letter/complaint from Smt. Sangeeta D/o Janrao Gawai is baseless. The charges levelled against the petitioner were not merely on the basis of the marriage certificate and other evidence like wedding card, photographs, etc., produced by his first wife Sangeeta D/o Shri Ajabrao Bondaje Wankhade, but also on the basis of a verification report furnished by the concerned Superintendent of Police, which clearly stated that the petitioner contracted plural marriage.

9. Learned counsel for the Standing counsel further submits that the evidence, such as the marriage certificate and wedding card was produced by Smt. Sangeeta D/o Shri Ajabrao Bondaje Wankhade is crystal clear that the petitioner married her on 30.03.1997. The report, also mentioned that his first wife was still alive. He neither obtained a divorce from his first wife through the Court of Law nor obtained any permission in this regard from the competent authority before entering into a second marriage with Smt. Sangeeta D/o Shri Janrao Gawai.

Keeping in view of such misconduct, he was awarded the punishment of removal from service.

10. Learned counsel for the Standing counsel further submits that during the course of the Departmental Enquiry, the petitioner was given ample opportunity and reasonable time at all stages in the Departmental Enquiry proceedings. The charges framed against the petitioner were proved, and he was again given 15 day's time by the disciplinary authority to make his representation, if any. In response, he submitted that he married Smt. Sangeeta D/o Ajab Rao Bondaji Wankhade on 30.03.1997 and divorced her on 10.04.2000, but he did not marry Smt. Sangeeta D/o Shri Janrao Gawai. His representation in this regard was found to be false by the verification report received from the Superintendent of Police, District Amaravathi. Thus, the petitioner's plea that his contentions were not considered by the Commandant has no merit.

11. Learned counsel for the Standing counsel further submits that the petitioner was removed from service as a result of Departmental Enquiry, vide Office Order, dated 22.02.2001, since all the evidence available on record clearly indicates the misconduct of plural marriage contracted by the petitioner.

As such, it is not appropriate to allow him to continue serving in the disciplined force, such as the CRPF. Accordingly, prayed to dismiss the Writ Petition.

FINDINGS OF THE COURT:

12. The contention of the petitioner is that there was no evidence placed before the Enquiry Officer to establish that the petitioner had contracted a second marriage during the subsistence of the first marriage. He also submitted that the Enquiry Officer, while punishing the petitioner, relied upon the complaint of the alleged 2nd wife enclosing a photocopy of the wedding card, marriage registration certificate and photographs. And also letters dated 26.05.2000, 28.09.2000 and 21.10.2000 of the Superintendent of Police, Achalpur, in response to the letters of 24.05.2000 and 13.09.2000 of the Department, intimating that the petitioner married a 2nd time while his marriage was subsisting. To establish the petitioner's case, learned counsel for the petitioner relied upon the following judgments:

i) 2006(5) SCC 446 GM Tanks Vs. State of Gujarat and another;

Learned counsel for the petitioner has relied upon some paragraphs of the judgment. In the same said judgment, it was observed as follows:

“In the present case, criminal and departmental proceedings have already noticed are granted in the same set of facts namely, raid conducted at the appellant’s residence, recovery of articles there from. The Investigating Officer, Mr. V.B. Raval and other departmental witnesses were the only witnesses examined by the Enquiry Officer who by relying upon their statements came to the conclusion that the charges were established against the appellant. The same witnesses were examined in the criminal case and the criminal court on the examination came to the conclusion that the prosecution has not proved the guilt alleged against the appellant beyond any reasonable doubt and acquitted the appellant by his judicial pronouncement with the finding that the charge has not been proved. It is also to be noticed the judicial pronouncement was made after a regular trial and on hot contest. Under these circumstances, it would be unjust and unfair and rather oppressive to allow the findings recorded in the departmental proceedings to stand.”

But, in the case at hand, it is entirely different. There are no criminal proceedings, only a departmental enquiry. Based on the departmental enquiry, on proved allegations, the petitioner was removed from service. So, the question of a similar set of facts or similar witnesses does not arise in the present case. The above-relied case is applicable only where a similar set of facts or a similar set of witnesses is present in

criminal proceedings and departmental proceedings. Hence, the said case is not applicable in the present case.

ii) 2024(1) SCC 175 Ramlal Vs. State of Rajasthan and others. In this case also, the entire case depends upon the departmental enquiry, and the criminal court is identical or similar; if the evidence, witnesses, and circumstances are one and the same, then the matter acquires a different dimension. If the Court in judicial review concludes that the acquittal in the criminal proceedings after full consideration of the prosecution's evidence and that the prosecution miserably failed to prove the charge, the court in judicial review can grant redress in certain circumstances. The above case is also very similar to the above relied case, and there are no simultaneous departmental proceedings and the criminal proceedings against the petitioner in the present case. In the circumstances, the above case law is also not applicable to the present case.

iii) 2025 INSC 554 Maharana Pratap Singh Vs. The State of Bihar and others, at para No.43, read as follows:

“At this juncture, it is imperative to further underline that the charge sheet against the appellant was issued based on the written complaint of the informant. Law is again clear to the effect that mere production of a document does not constitute proof. If charge sheet is issued on the basis of a

written complaint, the author/complainant has to be produced.”

The above case is based on the document, and the complainant's author must be produced. In the present case, the petitioner was removed from service after contracting a second marriage during the subsistence of the first marriage, without obtaining a divorce. The petitioner had a plural marriage, and the complaint given by the first wife was not only a complaint; she also produced the wedding card and photographs of the petitioner. The petitioner contracted a plural marriage, which is against the Force's disciplinary norms, and was, as a result removed from service. The Verification report of the Superintendent of Police, District Amaravathi, clearly proved the 2nd marriage of the petitioner beyond a reasonable doubt. Hence, the above case is also not applicable to the present case.

iv) 2009(2) SCC 570 Roop Singh Negi Vs. Punjab National Bank and others:

Para No.17 reads as follows:

“Furthermore, the order of the disciplinary authority as also the appellate authority are not supported by any reasons. As the orders passed by them have severe civil consequences, appropriate reasons

should have been assigned. If the enquiry officer has relied upon the confession made by the appellant, there was no reason as to why the order of discharge passed by the criminal court on the basis of self-same evidence should not have been taken into consideration. The materials brought on record pointing out the guilt are required to be proved. A decision must be arrived at on some evidence, which is legally admissible. The provisions of the Evidence Act may not be applicable in a departmental proceedings but the principles of natural justice are. As the report of the enquiry officer was based on merely ipse dixit as also surmises and conjectures, the same could not have been sustained. The inferences drawn by the Enquiry Officer apparently were not supported by any evidence. Suspicion, as is well known, however high may be, can under no circumstances be held to be a substitute for legal proof.”

A plain reading of the above paragraph shows that the disciplinary authority and the appellate authority decided the issue without providing any reasons, and the order passed by the Court has serious civil consequences. The enquiry officer relied upon the confession made by the appellant, and there is no reason why the order of discharge passed by the criminal court on the basis of the same evidence should not have been taken into consideration. In the present case, the departmental proceedings and the decision of the appellate authority are based on reasonable evidence produced by the complainant,

such as photographs and the wedding card, and not merely on *ipse dixit*, surmises, or conjectures. Therefore, the ground relied upon is not applicable to the present case at hand.

v) 2024 INSC 873 Satyendra Singh Vs. State of Uttar Pradesh and another;

para No.14 reads as follows:

“In the case of Roopsing Negi, this court held that mere production of document is not enough, contents of documentary evidence have to be proved by examining witnesses. Relevant extract thereof reads as under.

“14. Indisputably, a departmental proceedings is a quasi-judicial proceeding. The enquiry officer performs a quasi-judicial function. The charges leveled against the delinquent officer must be found to have been proved. The enquiry officer has a duty to arrive at finding upon taking into consideration the materials brought on record by the parties. The purported evidence collected during investigation by the investigating officer against all the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Reliance, inter alia, was placed by the enquiry officer on the FIR which could not have been treated as evidence.”

In the present case a major penalty was imposed not only on the basis of documents such as the marriage certificate, wedding card, and photographs produced by his first wife, Smt.

Sangeetha D/o Sri Ajab Rao Bonge Wankhade, but also on the basis of the verification report furnished by the concerned Superintendent of Police, which clearly stated that the petitioner contracted plural marriage. Moreover, the evidence, such as the marriage certificate, wedding card of the first wife, is crystal clear that the petitioner married her on 30.03.1997. In the report of the Superintendent of Police, it is also, mentioned that the petitioner's first wife was still alive. The petitioner neither obtained a divorce from his first wife through the court of law nor obtained any permission in this regard from the competent authority before entering into a second marriage. So, the punishment imposed by the authorities is not as stated in the above relied paras, but on facts.

vi) 2025 INSC 555 State of Uttar Pradesh through Principal Secretary, Department of Panchayati Raj, Lucknow Vs. Ram Prakash Singh.

In para No.18 reads as follows:

“Guided by the law declared in the aforesaid decisions, we can safely conclude that the enquiry conducted by the Enquiry Officer in a manner not authorized by law could not have formed the basis of the order of punishment dated 24th March, 2015 imposed on the respondent. The first two issues are, therefore, answered in the negative.”

In the present case, the departmental enquiry was conducted against the petitioner in accordance with Rule 27 of the CRPF Rules, 1955. The departmental enquiry against the petitioner was conducted in accordance with the prescribed procedure, and there was no procedural irregularity or violation of the principles of natural justice. But, in the above-relied upon paragraph, the enquiry was conducted by the enquiry officer in a manner not authorized by law. In the present case at hand, that question does not arise. The enquiry was conducted in an authorized manner within the parameters of CRPF Rules.

Para No.21 reads as follows:

“.....The common thread running through all these decisions is that, quashing of the proceedings does not follow as a ritual if the claim for obtaining relief is that the report of enquiry has not been furnished; on the contrary, grant of relief in such a case must be preceded by satisfaction to be recorded by the court that non-furnishing of the report did ‘prejudice’ the delinquent employee amounting to the due process of law not being followed and thereby causing a failure of justice; and, for such a finding to be recorded, ‘prejudice’ has to be pleaded and proved. Indeed, an onerous burden placed on a delinquent employee!”

The issue of non-furnishing of the report does not arise in the present case. During the course of the departmental

enquiry, the petitioner was afforded ample opportunity and reasonable time at every stage of the proceedings. The charges framed against the petitioner were fully established, and thereafter, the disciplinary authority granted an additional 15 days' time to submit his representation, if any. In these circumstances, no question of violation of due process of law arises. The entire enquiry was conducted strictly in accordance with the applicable CRPF Rules and in compliance with legal requirements. Hence, the above case is not applicable to the present set of facts.

13. It is to be noted that the maintenance case was filed by the first wife before the JMFC, Anjagaon Surji, and in Miscellaneous Criminal case No.159/1999 on 16.02.2002, the said Court granted maintenance of Rs.500/- per month in her favour. Later, in defiance the said order, the petitioner preferred Crl. Revision No.10 of 2002 on the file of the Additional Sessions Judge, Achalpur, and the same was allowed by setting aside the order of the JMFC, Anjagaon Surji, in Miscellaneous Criminal case No.159/1999.

14. Learned counsel for the petitioner, pointing out the above-mentioned judgment in Crl. Revision No.10 of 2002 submits that, even though the Revisional Court set aside the

maintenance petition, the department did not consider the same while imposing a major penalty. The facts remain are that the order of setting aside the order of the JMFC, Anjagaon Surji, in Miscellaneous Criminal case No.159/1999 by the Revisional Court is not on merits. Revisional Court observes that the respondent has not contested the revision petition. Had the petitioner filed the miscellaneous criminal case order in the present writ petition, this Court would have examined the said order, but this was not done. Moreover, before approaching this Court, the petitioner did not avail the alternative remedy of Revision as provided under Rule-29 of the CRPF Rules, 1955.

15. The authorities finally came to a conclusion that the petitioner has committed grave misconduct which attracts the provision u/s 11 of the CRPF Act, 1949, r/w Rule 27 of the CRPF Rules, 1955. It is not like all other departments, it is a disciplinary Force; each and every small mistake is taken seriously. At this stage, when the first wife, along with her complaint, has produced the marriage certificate, wedding invitation card, and photographs, these pieces of evidence cannot be brushed aside or ignored. As per the contentions of the petitioner's counsel, the marriage certificate issued by the

Gram Panchayat, is not admissible in law. It is to be noted that, it is not a criminal case; it is only departmental proceedings. As such, the certificate can be considered. The departmental proceedings are quasi-judicial in nature. Though the provisions of the Evidence Act are not applicable in the said proceedings, principles of natural justice are to be followed. In the present case, the departmental proceedings were properly conducted, and ample opportunity was given to the petitioner to prove his case. Natural justice was not violated while imposing the major penalty against the petitioner.

16. In general, a false complaint may be filed in any case. However, in the present matter, the complainant is the petitioner's legally wedded first wife. It is highly improbable that she would fabricate or produce false evidence, such as a wedding card or photographs, against her own husband, unless there had been some illegality or wrongdoing on his part. As per the contention of the petitioner, he was on duty on 09.09.1998, i.e. on the date of the 2nd marriage, as such, the question of the 2nd marriage on that day does not arise. But, a perusal of the letter dated 29.11.2025, office of the DIGP, Group Centre, CRPF, Barkas, Chandrayangutta, Hyderabad, filed by the respondent authorities, makes it clear

that the petitioner was sanctioned 60 days earned leave w.e.f. 05.09.1998 to 03.11.1998 with permission to avail 04.09.1998 vide Force Order No.305/1998-05 for the week ending on 5.9.1998. Thus, in view of the said letter, the contention of the petitioner is watered down.

17. In the above-mentioned circumstances, the Writ Petition is liable to be dismissed.

18. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, in this Writ Petition, shall stand closed.

NAMAVARAPU RAJESHWAR RAO, J

Date: 07.04.2026

BDR

NOTE: LR copy is to be marked.

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT PETITION No.9473 of 2005

Date: 07.04.2026

BDR