

(2013) 07 RAJ CK 0259

In the Rajasthan High Court

Case No : Civil Special Appeal (Writ) No. 352 of 2013 in Civil Writ Petition No. 17385 of 2011

Bhoop Singh

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 26-07-2013

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (2013) 07 RAJ CK 0259

Hon'ble Judges : Narendra Kumar Jain, J; J.K. Ranka, J

Bench : Division Bench

Advocate : K.S. Rajawat on Behalf of Mr. Chain Singh Rathore, for the Appellant;

Final Decision : Dismissed

Judgement

1. The appeal is barred by 149 days. An application u/s 5 of the Limitation Act has been filed for condonation of delay in filing the appeal. For the reasons mentioned in the application, duly supported by an affidavit, delay in filing the appeal deserves to be condoned and the same is, hereby, condoned. Application u/s 5 of the Limitation Act stands allowed.

2. Heard the learned counsel for the appellant.

3. Charge against the appellant was that he contacted second marriage during life time of his first wife. The Enquiry Officer recorded a finding against the appellant and on that basis, the Disciplinary Authority passed an order of removal of appellant from service. The said order was upheld by the Appellate Authority also. Thereafter, a writ petition was filed before the Single Bench, which has been dismissed in limine. Hence, the appellant has preferred this intra-Court appeal.

4. Submission of the learned counsel for appellant is that the appellant did not contact second marriage and finding recorded in this regard is not correct.

Therefore, all the orders passed by the Enquiry Officer, Disciplinary Authority, Appellate Authority and the Single Bench may be set aside.

5. We have considered the submissions of the learned counsel for appellant and carefully gone through the impugned orders.

6. The question as to whether appellant contracted second marriage during life time of his first wife without any divorce from her, is purely a question of fact and a finding of fact in this regard has been recorded by the Enquiry Officer, which has been considered and upheld by the Disciplinary Authority as well as Appellate Authority. In these circumstances, we are of the view that the learned Single Judge was absolutely right in not interfering in the impugned orders passed by the respondents. We find no merit in this appeal and the same is, accordingly, dismissed in limine.