



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 30th OF APRIL, 2026

WRIT PETITION No. 7027 of 2008

LALMAN SINGH

Versus

SOUTH EASTERN COALFIELDS LTD.

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Appearance:

Shri Kailash Chandra Ghildiyal - Senior Advocate with Shri Kapil Sharma- Advocate for the petitioner.

Shri Greeshm Jain & Ms. Shraddha Pandey - Advocate for the respondents.
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ORDER

This is a petition by the petitioner while praying for the following reliefs:

"I) A writ, order or direction in the nature of certiorari thereby quashing the order imposing major penalty on the petitioner communicated to him vide order dated 9/19-6-2007 (Annexure-P/7) issued by respondent No.3 and order dated 23/26.05.2008 passed by respondent No.2 (Annexure-P/8).

II) A writ, order or direction in the nature of mandamus thereby directing the respondents to restore the post of clerk Grade II to the petitioner and grant him all consequential benefit including the arrears of salary. They may also be directed to consider the case of the petitioner for further promotion immediately treating as if the petitioner had never been reverted to the post of Clerk Grade III with all consequential benefit including seniority and arrears of salary.

III) Any other appropriate writ, order or direction which the Hon'ble court may deem just and proper in the nature and circumstances of the case including the costs of this petition."



2. The facts of the case in a nutshell are that the petitioner was appointed as a Loader with the respondent company on 08.11.1985 and was subsequently promoted to Clerk Grade-III in the year 1991 and Clerk Grade-II on 01.01.1995. He got married to one Smt. Meera Bai in the year 1984 and in the year 1986, she divorced him in accordance with tribal customs and contracted a second marriage with Shri Gunilal. Thereafter, the petitioner married Smt. Sarla Singh in July, 1987 and informed the employer about the said marriage. Due to the sudden death of Smt. Sarla Singh, the petitioner married Smt. Vidyawati Singh and duly informed the management employer about the same. In October, 2005, a charge sheet was issued against the petitioner alleging that he had married Vidyawati Singh during the subsistence of his first marriage without obtaining a divorce, thereby violating Clause 26.20 of the Certified Standing Orders tantamounting to misconduct. The petitioner submitted his reply, but as it was found unsatisfactory, the respondents initiated a departmental inquiry, wherein the charge was held proved vide inquiry report dated 17.01.2007. Thereafter, a show cause notice was issued and after considering the petitioner's reply, the disciplinary authority passed an order dated 09/19.06.2007 imposing a major penalty of reversion from Clerk Grade-II to Clerk Grade-III. Against the aforesaid order, the petitioner filed an appeal. As no action was taken on the appeal, the petitioner approached this Court by filing W.P. No.14400/2007(s). The said writ petition was disposed of vide order dated 03.12.2007 with a direction to the respondents to decide the appeal of the petitioner. Thereafter, the respondent while deciding the appeal has rejected



the same vide order dated 23/26.05.2008. Hence, this petition.

3. Learned senior counsel for the petitioner contends that it is a case where the sole charge against the present petitioner is to the effect that without obtaining prior permission from the employer/management, the petitioner entered into a second wedlock while the first marriage was subsisting. It is contended by the senior counsel that the aforesaid charge could not be proved by the respondents. The charge was based on surmises. In order to establish the charge of bigamy, the management/employer was required to demonstrate that during the subsistence of a previous marriage, the petitioner entered into a second wedlock. It is contended by the senior counsel that the petitioner demonstrated before the authorities and the inquiry officer that he got married to one Meera Bai in the year 1984 as per the tribal customs. They were later on separated. After separation from his first wife, the petitioner entered into a wedlock with Smt. Sarla Singh. It is the contention of the senior counsel that once the factum of separation with the previous wife in terms of the tribal customs was established by the present petitioner, there was no occasion with the respondents to treat the charge as proved. There was failure on the part of the employer to discharge the burden of proving the said charge. The charge in question was not proved by the respondents. It is the further contention of the senior counsel that on the basis of the said charges, the authority passed an order of reversion of the petitioner from the post of Clerk Grade-II to Clerk Grade-III. The appeal preferred by the petitioner was also dismissed. Therefore, the learned senior counsel contended that the charge of bigamy, *prima facie*, can only be



established by way of evidence. In the case in hand, without there being any evidence, the Inquiry Officer concluded that the charge was proved. The Inquiry Officer also failed to appreciate the affidavit which was sworn by the first wife of the present petitioner Smt. Meera Bai, who stated that as per the customs prevailing in their community, there was a separation/dissolution of marriage. However, there is no consideration by the authority regarding the said aspect of the matter.

4. *Per contra*, Shri Greeshm Jain submits that the petition is liable to be dismissed. It is a case where the petitioner entered into a wedlock with one Meera Bai in the year 1984. At the time of marriage of the present petitioner, the land belonging to the father of his first wife was acquired by the respondents and as per the rehabilitation scheme, there was a provision for extension of the benefit of employment in lieu of acquisition. The present petitioner, since was the son-in-law of the landowner, he was appointed with SECL on 08.11.1985. Subsequent to his appointment with SECL, the petitioner entered into second wedlock with Smt. Sarla Singh and a third wedlock with one Vidyawati Singh, thereafter. The subsequent marriage was contracted without procuring the prior permission from the employer and therefore, the charge sheet to the present petitioner was issued. It is the contention of the counsel that in view of the decision of the Apex Court in the case of **Mrs. Valsamma Paul v. Cochin Univeristy and others** reported in (1996) 3 SCC 545, the petition is liable to be dismissed.

5. No other point is pressed or argued by counsel for both parties.

6. Heard the rival submissions advanced on behalf of counsel for the



parties and perused the record.

7. A perusal of the record reflects that the petitioner was issued a charge sheet in which the following charges were levelled:

"कार्यालयीन अभिलेखों के अनुसार यह पाया गया कि आपने अपनी पहली पत्नी श्रीमती मीरा बाई के जीवित रहते हुये एवं उनसे बगैर विवाह विच्छेद किये बिना श्रीमती विद्यावती के साथ दूसरा विवाह किया तथा उक्त कार्य के लिये प्रबंधन से अनुमति नहीं लिये।

आपका उपरोक्त कृत्य/आचरण कम्पनी के प्रमाणित स्थायी आदेशों के मन्तर्गत कदाचरण की श्रेणी में आता है जो निम्नानुसार पाठनीय है।

26:20- / प्रबन्धन से बिना पूर्व अनुमति लिये पत्नी/पति के जीवित रहते हुए दूसरी शादी या अनुबन्ध करना या ऐसे व्यक्ति के साथ शादी करना जिसकी पत्नी/पति है।

आपको निर्देशित किया जाता है कि आप उपरोक्त आरोप से सम्बंधित अपना लिखित स्पष्टीकरण इस पत्र की प्राप्ति के 72 घण्टे के अन्दर प्रस्तुत करें अन्यथा यह समझा जायेगा कि आप कोई स्पष्टीकरण नहीं देना चाहते हैं और आप पर लगाया गया आरोप स्वीकार है। तत्पश्चात सक्षम अधिकारी द्वारा बिना आगे आपको सूचित किये मामले की गुणवत्ता के आधार पर निपटा दिया जायेगा।"

8. As per the aforesaid charge, the petitioner had entered into a second wedlock without seeking prior permission from the management/employer whilst the first marriage was in subsistence. In support of such charge, the departmental witnesses viz., A. Behra, and Nageshwar Singh were examined and as per their testimonies, the petitioner herein claimed that he had solemnized the marriage in the year 1984 with Smt. Meera Bai, who was the daughter of the landowner. The land of his father-in-law was acquired by the respondents. The compensation was paid and in lieu of the acquisition, there existed provisions for employment, for which the landowner proposed the name of present petitioner. Accordingly, in terms of the provisions of the scheme, the petitioner being the son-in-law, was granted employment. The scheme has been brought on record by the respondents, of which the relevant



clause for determination of the controversy before this Court, is reproduced hereinbelow:

"iii) For the purpose of employment the unit will be landowner/Raiyat whose title appears in the Record of rights of the particular village and will include his direct linear dependent."

9. A perusal of the aforesaid provision reflects that the policy contains a provision for employment even to the direct linear dependent of the landowner and according to the respondents, the son-in-law of the landowner was treated as a linear dependent till 2008 and later on, certain changes were brought in the policy. However, the case in concern, since pertains to the period prior to 2008, therefore, it is safe to conclude that in terms of the policy which has been brought on record alongwith the I.A. No.6287/2026, the petitioner herein being the son-in-law of the land owner was provided employment in lieu of acquisition of land of father-in-law of the present petitioner. It is undisputed that the marriage between the petitioner and Meera Bai was solemnized as per the tribal customs in the year 1984. On 08.11.1985, the petitioner was provided employment. According to the petitioner, there was dissolution of marriage as per the customs prevailing in the community to which his first wife belonged, and after dissolution/separation/divorce, the petitioner entered into a wedlock with Smt. Sarla Singh in the year 1987. According to the petitioner, when Smt. Sarla Singh left for heavenly abode, the petitioner entered into a wedlock with Smt. Vidyawati Singh.

10. A perusal of the inquiry report reveals that according to the petitioner, the marriage of the petitioner with Smt. Meera Bai was



solemnized in the year 1984 as per the tribal customs and after an year of marriage, Smt. Meera Bai, on her own volition, dejected the present petitioner and then, as per the tribal customs, she herself got married to one Shri Gunilal and started residing in Village Titripodi. Therefore, at this stage it is important to decipher the fact as to whether according to the petitioner's own explanation/stand, there was a divorce or separation between the petitioner and his first wife Meera Bai. The part of the cross-examination of the present petitioner which finds mention in the inquiry report is reproduced herein below:

"आरोपी से प्रतिपरीक्षण (cross examination) के समय प्रबन्धन प्रतिनिधि ने उल्लेखित किया कि आरोपी की नियुक्ति भूआश्रित नियम के अन्तर्गत दामाद के रूप में की गई है। प्रबन्धन प्रतिनिधि द्वारा दैनिक नवभारत हिन्दी दिनांक १४ अगस्त एवं ११ जुलाई २००४ में प्रकाशित आरोपी के विरुद्ध समाचार की पेपर कटिंग भी प्रस्तुत की। आरोपी कामगार द्वारा अपने दिए गए बयान में कहा कि उसकी नियुक्ति दिनांक ०८/११/१९८५ को हुई थी एवं उसकी पदस्थापना कोतमा वेस्ट ७/८ माइन में हुई थी। वर्तमान में वह लिपिक ग्रेड-।। पद पर बरतलाई इंकलाइन/परियोजना में पदस्थ है। उसने आगे कहा कि उसे नियुक्ति आश्रित दामाद के रूप में भू-आश्रित योजना के अन्तर्गत प्राप्त हुई है। वह वर्ष १९८४ में आदिवासी रिति-रिवाज के अन्तर्गत जमुना शिव-मन्दिर में उसका विवाह हुआ था। एक वर्ष पश्चात उसकी पत्नी श्रीमति मीरा बाई स्वेच्छा से उससे अलग हो गई तथा उसने आदिवासी रिति रिवाज के अन्तर्गत बिना किसी दबाव के श्री गुनीलाल सिंह से पुनर्विवाह कर लिया और ग्राम तितरीपोड़ी में रहने लगी। मीराबाई को श्री गुनीलाल की ओर से एक पुत्र हुआ जिसका नाम कमल सिंह है। मीराबाई से अलग होने के बाद उसकी तथा उसके पिता श्री राममिलनसिंह की सहमति के साथ तथा एसईसीएल प्रबन्धन से आवश्यक स्वीकृति प्राप्त कर उसने वर्ष १९८७ में सामाजिक रितिरिवाज के अन्तर्गत श्रीमती सरला सिंह से विवाह किया। वह वर्ष १९८७ से वर्ष १९९५ तक पत्नी के रूप में रही। श्रीमती मीराबाई एवं उसके पिता श्री राममिलन सिंह ने शपथपत्र देकर उसे दूसरे विवाह की अनुमति दी थी। इसके तहत एवं प्रबन्धन से आवश्यक स्वीकृति प्राप्त करने के पश्चात ही उसने श्रीमती सरला सिंह से



विवाह किया और एसईसीएल प्रबन्धन के अभिलेख में पत्नी के रूप में उसका नाम दर्ज कराया गया था। आरोपी ने आगे कहा कि कुछ लोग उससे राजनीतिक व्देष के कारण तथा उसकी छवि धूमिल करने के लिए कार्यालयीन अभिलेखों के साथ धोखाधड़ी कर प्रबन्धन को गुमराह कर रहे हैं। आरोपी कामगार ने श्रीमती मीरा बाई के द्वारा दिए गए शपथपत्र की छायाप्रति प्रस्तुत की तथा जिला दंडाधिकारी, अनुपपुर के समक्ष दिनांक २० जनवरी तथा २७ जनवरी २००५ के समाचार पत्र में प्रकाशित समाचारों की छाया-प्रति प्रस्तुत करते हुए शिकायत दर्ज कराई थी। आरोपी ने आगे कहा कि श्रीमती सरला सिंह की मृत्यु पश्चात उसने श्रीमती बिद्यावती सिंह के साथ पुर्नविवाह किया था और उसका नाम कॉलरी अभिलेखों में कॉलरी प्रबन्धन की सहमति प्राप्त करने के पश्चात चढ़वाया था। आरोपी ने कहा कि प्रबन्धन प्रतिनिधि का बयान कि श्रीमती बिद्यावती सिंह का नाम कॉलरी अभिलेखों में दर्ज नहीं है, गलत है। उसने आगे कहा कि प्रबन्धन उसके विरुद्ध षड्यन्त्र करने वालों के साथ शामिल है इतना कहकर आरोपी ने अपना बयान समाप्त किया।"

11. The petitioner even produced an affidavit of Smt. Meera Bai and as per which, Smt. Meera Bai had stated that she was no more living with the petitioner as his wife as there was separation in vogue, and later on she entered into a subsequent wedlock with one Gunilal. It is undisputed that Smt. Meera Bai was not examined by the present petitioner during the course of inquiry. The petitioner in his defense examined himself. The landowner, who was the father of Meera Bai, was not examined. Undisputedly, the employment having been secured by the petitioner in view of the policy which contains provision for employment to a linear dependent of the landowner, it was incumbent upon the present petitioner to examine Meera Bai as well as her father. Thus, undisputedly, the petitioner secured employment in lieu of acquisition. It was clear that the petitioner was not the owner of the land. On the contrary, the petitioner later on, stepped in as the son-in-law of the landowner while claiming that he had married to the



daughter of the landowner in the year 1984. Therefore, apparently the petitioner herein had no nexus with the land which was acquired by the respondents. The petitioner herein was not at all the owner. It is evident from perusal of the record that the petitioner being the son-in-law of the landowner was extended employment as according to the petitioner, he was falling within the category of relatives as a linear dependent of the landowner as per the policy in vogue. In view of the aforesaid, the marriage of the present petitioner with Meera Bai and contraction of second wedlock without obtaining prior permission from the employer has direct nexus with the Standing Order No.26.20. The petitioner despite not being the owner of the land, secured employment on the basis of a marriage which, according to the petitioner's own showing lasted for an year, therefore, once the benefit of employment secured by the petitioner on the basis of the policy, which in fact was admissible to the original landowner, the termination of relationship with the daughter of the landowner was an important aspect which ought to have been brought to the notice of the employer. There is no document on record to establish that the petitioner intimated the employer that there was dissolution of marriage so far as the petitioner and Smt. Meera Bai was concerned. There is no document on record to evince that the petitioner moved any application seeking permission to enter into a second wedlock. There is no material on record to establish that even as per some customs, the marriage of the petitioner with Smt. Meera Bai was dissolved. Therefore, in view of the aforesaid analysis, it is clear that it is a case where the charge levelled against the petitioner was duly proved and hence, this Court is of the



view that the petition is liable to be dismissed as no interference with the impugned order is warranted.

12. Though this Court is confined to the validity of the impugned order which has been passed *qua* the petitioner in the cases but during the course of arguments, counsel for the respondents stated that in light of the misuse of the policy in the year 2008 onwards, the linear dependents were defined in the policy and in the subsequent policy, the son-in-law of the land owner was not included within the definition of linear dependent. Therefore, this Court is of the view that glaring instances of securing employment through unscrupulous means cannot be allowed to go unnoticed. It reflects that the land belonged to the persons who were tribal as well as illiterate and they were lured by machiavellian persons to secure employment. The land owners were paid compensation and apart from the compensation, the policy contained provisions for employment in lieu of acquisition. The said provisions of the policy were misused by certain persons by projecting a factum of marriage with the daughter of the land owner and after securing employment, the said marriages were kept aside and subsequently, the persons who secured employment got married elsewhere. Therefore, apparently, a benefit which was only admissible to the land owner or his linear dependent, was in fact availed by a third person who projected a relationship with the land owner only in order to secure the fruits of employment and after such vice gains were fructified, the relationship was brought to an end. Thus, such ventures by the persons who secured employment virtually deprived the legitimate claimant *i.e.*, the land owner or



his linear dependent. Even, the employer realized the aforesaid lacuna in the policy and subsequently, according to the counsel for the respondents, in the year 2008, much needed amendments in the policy were incorporated.

13. Thus, this Court is of the view that an inquiry is required to be conducted by the respondents as regards the cases where the employment was procured by the persons as per the Rehabilitation Scheme while claiming themselves to be son-in-law of the land owners and after securing employment, have entered into a second wedlock while projecting that their relationship with the previous wife came to an end on account of dissolution/separation.

14. let an inquiry be conducted in respect of all such appointments and after affording due opportunity of hearing to all concerned, including those who secured employment as well as the land owners, and also their daughters, marriage with whom was made a basis to secure employment. After the conduct of inquiry, if it is found that the marriage was solemnized only in order to secure employment as per the Rehabilitation Scheme, the respondents would be at liberty to take appropriate action against such persons.

15. Let the aforesaid action be taken within a period of 120 days from the date of productions a certified copy of this order.

16. Accordingly, with the aforesaid observation and discussion, the petition stands **dismissed**.

(MANINDER S. BHATTI)
JUDGE



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