



**Serial No. 03**  
**Supplementary List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WA No. 41 of 2024

Reserved on: 06.08.2024

Pronounce on: 16.08.2024

Ganga Sagar Ram

**.....Appellant**

- Versus -

1. The Union of India,  
represented by Secretary of Govt. of India,  
Ministry of Home Affairs, New Delhi.
2. Mahaniveshalaya, Assam Rifles Director General of Assam  
Rifles, (A branch) (Discp)/Law/VIG/Record branch/CPBO  
(AR)/ARGIS Dte Shillong 10.
3. Inspector General Assam Rifles (North) C/o 99, APO.
4. Deputy Inspector General, Assam Rifles Headquarter,  
7 Sector, Assam Rifles, C/o 99 APO
5. 15 Assam Rifles, Pin – 32015, C/O 99 APO

**...Respondents**

**Coram:**

**Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice**

**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Appellant : Mr. M.L. Nongpiur, Adv

For the Respondents : Mr. R. Debnath, CGC

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|-----|--|--------|
| i)  | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press:           | Yes/No |



## J U D G M E N T

*(Made by Hon'ble, the Chief Justice)*

The present Writ Appeal has been preferred against the order dated 25.06.2024 passed by the learned Single Judge in WP(C) No. 452 of 2022.

2. The sum and substance of the case on hand is that the appellant was serving as a Rifleman G/D in Assam Rifles and was discharged from service on the ground of polygamy (plural marriage) and the order of discharge dated 23.05.2018 was upheld by the learned Single Judge.

3. According to the appellant, he had entered into a second marriage during the subsistence of first marriage and that on 31.10.2016, the second marriage was dissolved by the competent Court of Law. Learned counsel for the appellant submitted that the appellant was issued with a show cause notice on 16.09.2017, relating to the Court of inquiry proceedings, which was held against plural marriage contracted by the appellant. The appellant further contended that he did not marry anyone when the first marriage was in subsistence and that the punishment imposed on him by the respondent authorities is disproportionate.



4. The respondents-Assam Rifles contended that the appellant has contracted into a second marriage during the lifetime of the first wife without taking legal divorce. It is further contended that after issuance of show cause notice and affording reasonable opportunity to him, a detailed inquiry was conducted. On completion of enquiry, it came to light that the appellant was guilty of marrying second time, that too, during the subsistence of the first marriage, which is in violation of Rule 10(2) of the Assam Rifles Rules, 2010. For the sake of convenience, Rule 10(2) of the Assam Rifles Rules, 2010 is extracted below:

**“10. (2) Any person subject to the Act, who contracts or enters into a second marriage during the life time of his first spouse, shall render himself ineligible for retention in service and may be dismissed, removed or retired from service on ground of unsuitability:**

**Provided that the Central Government may, if satisfied that there are sufficient grounds for so ordering, exempt any person from the operation of this rule.”**

5. The learned Single Judge has called for the records to ascertain the procedure followed by the Assam Rifles and after perusing the same, the learned Single Judge came into the conclusion that the appellant did not deny the fact that he had contracted the second marriage. The learned Single Judge also observed that the appellant



contracted a second marriage on 27.05.2014 during the subsistence of his first marriage and hence, there was no irregularity and infirmity in the proceedings.

6. During the course of argument, it has been stated that there was no second marriage, but there was only a live-in relationship. The submission made by the appellant cannot be accepted, for the simple reason that it was proved on record that the appellant had been living with the so-called second wife for a long period and cohabited with her under the same roof, which is sufficient to establish that there was a marriage. Thus, the second marriage of the appellant has been duly established in this case and if the contention of the appellant that he had maintained only live-in relationship with the second wife, is accepted, it will give a wrong signal to others that without solemnizing marriage, any male person can live with another lady and this will defeat the purpose of marriage and in that event, the sacrament of marriage itself would be lost.

7. It has been further contended that the appellant has been imposed with the capital punishment. A reading of the Rule which is extracted supra, is very clear that a person who contracts into a second marriage during the lifetime of the first spouse need not be retained in



service and may be dismissed, removed or retired from service. In this case, the appellant was issued with an order dated 06.04.2018, pursuant to which, he has been discharged from service. According to both the parties, the appellant is entitled to all pensionary benefits as admissible to him vide order dated 23.05.2018 issued by the Deputy Inspector General in terms of Rule 11(2) of Assam Rifles Act, 2006 read with sub-rule (2) of Rule 10 of the Assam Rifles Rules, 2010, discharging the appellant from service w.e.f. 23.05.2018, where it has been mentioned that the appellant has completed 14 years 11 months and 19 days of service after deducting non-qualifying service. Thus, the appellant has completed 15 years of service and an order has been passed granting pensionary benefits. For relevance, paragraph Nos. 5 and 6 of the order dated 23.05.2018 are extracted below:

“5. Total qualifying service of the individual is 14 years 11 months and 19 days after deducting non qualifying service.

6. NOW THEREFORE, in exercise of the power conferred on me under the provision of Section 11(2) of Assam Rifles Act 2006 read with Sub Rule (2) of Rule 10 of Assam Rifles, 2010, I hereby discharge the Number G/154412K Rifleman (General Duty) Ganga Sagar Ram of 15 Assam Rifles from the Assam Rifles service with effect from 23 May 2018 (forenoon). Number G/154412K Rifleman (General Duty) Ganga Sagar Ram of 15 Assam Rifles is entitled to get all Pensionary benefits as admissible to him on the date of his compulsory retirement under CCS (Pension Rule).”



8. The Apex Court, in a recent judgment in the case of **Mukesh Kumar Raigar Vs. Union of India (UOI) and Others**, reported in **AIR 2023 SC 482** observed that it is absolutely mandatory on the part of the personnel in a disciplined force to maintain discipline of the highest order. The Appellant herein, having acted in contravention to the established Rules (supra), cannot seek for reinstatement, questioning his discharge.

9. In view of the same, we find no reason to interfere with the order of discharge passed by the Assam Rifles as confirmed by the learned Single Judge.

10. WA No. 41 of 2024 is dismissed. No costs.

**(W. Diengdoh)**  
Judge

**(S. Vaidyanathan)**  
Chief Justice

**PRE-DELIVERY JUDGMENT IN**  
**WA No.41 of 2024**