



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.3805 OF 2012

R.Dhandapani

... Petitioner

-Vs-

1. The Director General,
Central Reserve Police Force,
CGO Complex,
Lodhi Road,
New Delhi - 110 003.
2. The Deputy Inspector General of Police,
Central Reserve Police Force,
Bhopal, Madhya Pradesh.
3. The Commandant,
125, Battalion,
Central Reserve Police Force,
Chatha Camp,
Jammu & Kashmir.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the office order passed by the 3rd respondent in his office order No.P.VIII-8/2011-125-EC-II, dated 01.11.2001, quash the same and direct the respondents to take the petitioner into the strength of CRPF as Constable with all monetary benefits.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.G.Ilangovan

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.



2. The charge against the petitioner is that he had conducted an act of remissness in the charge of his duty in his capacity as a member of the Force, which resulted in the death of an Assistant Commandant Officer. After enquiry, the petitioner was imposed with a major punishment of removal from service, through the impugned order dated 01.11.2001.

3. The main ground on which the petitioner has filed this writ petition is that during the course of enquiry, he had requested for conducting the enquiry in Tamil or English and had also sought for a translated copy of the enquiry report, which was not given to him. The petitioner claims that his mother tongue is Tamil and is not acquainted with Hindi.

4. The respondents, on the other hand, in the counter affidavit have stated that, though the petitioner herein is entitled for requesting to conduct the enquiry in English and also for the report in English, he had not made such a request.

5. The statements of both the petitioner and the respondents are not supported with any documentary evidences and therefore, this Court does not intend to go into the veracity of such disputed statements. Nevertheless, this Court is of the view that the ends of justice could be secured, if the petitioner is given an opportunity to participate in the enquiry afresh, by directing the respondents to conduct the same in English.

6. In the light of the above observation, the impugned order dated 01.11.2001 passed by the third respondent herein is quashed. Consequently, the matter is remitted back to the third respondent for conducting a fresh enquiry. The third respondent shall extend due opportunity of hearing to the petitioner and shall conduct the enquiry in English and the enquiry report shall also be served in English to the petitioner. The third respondent shall endeavour to conclude such enquiry, as expeditiously as possible, in any event, within a period of three (3) months from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands ordered. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

hvk



To

1. The Director General,
Central Reserve Police Force,
CGO Complex,
Lodhi Road,
New Delhi - 110 003.
2. The Deputy Inspector General of Police,
Central Reserve Police Force,
Bhopal, Madhya Pradesh.
3. The Commandant,
125, Battalion,
Central Reserve Police Force,
Chatha Camp,
Jammu & Kashmir.

+1cc to Mr.A.S.Mujibur Rahman, Advocate, S.R.No.16104
+1cc to Mr.G.Ilangovan, Advocate, S.R.No.16184

W.P.NO.3805 OF 2012

EV (CO)
PBS/24/03/2022