



W.P.(MD).No.6485 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.6485 of 2016

and

W.P.(MD).Nos.5654 and 5655 of 2016

M.Ayyappan

... Petitioner

Vs.

1.Union of India,
Ministry of Defence,
104, South Block,
New Delhi – 110 001.

2.The Commandant,
Sena Police Kender aur School,
Corps of Military Police Training Centre, (CMP),
Centre & School, C/O.56 APO,
Bangalore,
Bangalore.

3.The President,
Medical Board,
Commandant Hospital Air Force,
CHAFB,
Bangalore – 25.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order passed by the second respondent under the Caption DISCHARGE SLIP IN RESPECT OF NO.7786832W RECT(MP) dated 04.09.2015 and quash the same and direct the respondents to take back / reinstate the petitioner into Military Service and allow him to serve continuously in the defense service.

For Petitioner : Mr.M.Antony Jesurajan

For Respondents : Mr.D.Saravanan,
Central Government
Senior Standing Counsel.

ORDER

This Writ Petition is filed challenging the order passed by the respondent dated 04.09.2015 with a consequential relief to reinstate the petitioner into Military Service and allow him to serve continuously in the defense service.

2. The petitioner was enrolled as CMP, Corps of Military Police Unit – CMP, Centre & School, Bangalore on 25.06.2014. While he was undergoing training at Bangalore, he mistook a bottle of latrine cleaner as water and drank.



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Subsequently, he had vomited and admitted in the Hospital. The respondents mistook the same as if the petitioner had attempted to commit suicide and has initiated proceedings. But the contention of the petitioner is that without granting sufficient opportunity to the petitioner, has held that the petitioner was medically invalidated and discharged from the respondent service. The contention of the petitioner is that without giving any notice or without granting sufficient opportunity, the petitioner was discharged from service.

3. On perusal of the records it is seen that the petitioner was 19 years old at the time of filing of this Writ Petition. Now, he is 26 years old. This Court is of the considered opinion that now the petitioner would have gained wisdom to rectify himself and he should be granted one more opportunity to serve the army. Therefore, the impugned order is set aside. The respondents are directed to reinstate the petitioner into service. After reinstating, the respondents are at liberty to conduct fresh enquiry and consider the case of the petitioner sympathetically and may impose some minor punishment. As far as the continuity of service and backwages, the respondent shall consider the same while passing an order of minor punishment.



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4. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

14.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

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S.SRIMATHY, J.

Nsr

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