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W.A.No.128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE Dr. JUSTICE A.D. MARIA CLETE

W.A.No.128 of 2023
AND
C.M.P.No.1282 of 2023

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

.. Appellants

Vs.

R.Dhandapani

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 10.03.2022 passed in W.P.No.3805 of 2012.



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For Appellants : Mr.C.Samivel
For Respondent : No appearance

JUDGMENT

(Delivered by R.SURESH KUMAR, J.)

This intra-court appeal has been directed against the order dated 10.03.2022 passed by the writ Court in W.P.No.3805 of 2012.

2. The respondent *viz.*, R.Dhandapani was one of the members of the Central Reserve Police Force (CRPF), against whom, there was a disciplinary proceedings initiated, wherein, an inquiry was conducted. Ultimately, the charge made against him was proved, based on which, the disciplinary authority imposed punishment of removal from service against him, by order dated 01.11.2001. The said order was questioned and challenged in the writ petition, which was filed in the year 2012 in W.P.No.3805 of 2012.

3. The main ground of challenge before the writ Court against the order of punishment of removal from service is that the respondent/writ petitioner does not know Hindi and he was conversant only with his mother tongue or English; so, he



wanted the inquiry to be conducted in English and he wants the inquiry report to be served in English. As his request was not considered and since the inquiry was conducted in Hindi and the report stating that the charge is proved, was served in Hindi, he was not in a position to respond properly to the inquiry officer's report and also, since he is not conversant with Hindi where the inquiry was conducted, that cannot be considered to be a fair inquiry. Therefore, on that ground, the respondent/writ petitioner had challenged the order of punishment dated 01.11.2001 in the said writ proceedings.

4. The learned writ Court, having considered all these aspects, passed the following order :

“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



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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.

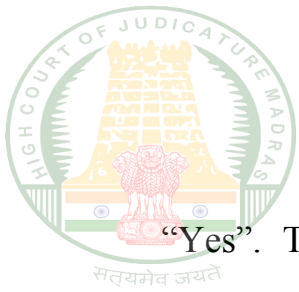
7. Accordingly, the Writ Petition stands ordered. No costs."

Aggrieved over the said order passed by the writ Court, the present writ appeal has been directed at the instance of the CRPF.

5. Heard Mr.C.Samivel, learned counsel appearing for the appellants/CRPF.

There is no representation on the side of the respondent/writ petitioner.

6. The learned counsel for the appellants brought to our notice the first monthly statement of force No.941391563 Constable/GD R.Dhandapani, CRPF relating to the inquiry, where a question was asked to the respondent/delinquent, if he had received one copy of the Inquiry Officer's letter, for which, he answered

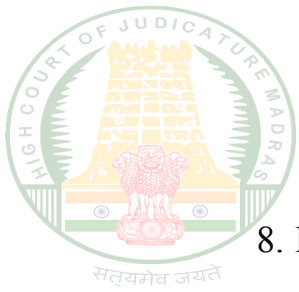


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“Yes”. The next question was, if he had received one copy each of Commandant-

Memorandum and Annexure in English, for which, he replied “Yes”. The other question that was posed was, if he had understood very well the meaning of annexure 1 to 4, for which, he replied “Yes”. The next important question that was posed to him was, if he had any objection in appointing the Inquiry Officer and conducting the inquiry in Hindi, for which, the emphatic answer given by the respondent/delinquent was “No sir, no any objection sir”.

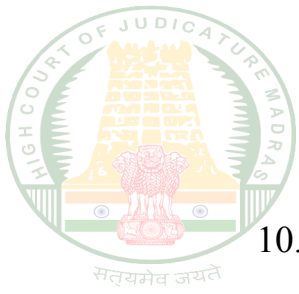
7. When this document was produced before this Court and pointed out by the learned counsel for the appellants, we can easily ascertain that the conduct of inquiry in Hindi and the documents and annexures in English which have been served on the respondent/delinquent were accepted by him without any objection. When a specific question was asked, as to whether he has got any objection in conducting the inquiry in Hindi, he had specifically answered in the negative and categorically stated that he has no objection. However, it is to be noted that this document was not filed before the writ Court, which has been fairly conceded by the learned counsel for the appellants.



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8. Because of that reason, the learned writ Court has recorded that there has been no document or counter document filed before the writ Court to state whether the request has been made by the writ petitioner to conduct the inquiry in English and whether that has been considered and the documents have been given in English. The learned writ Court has come to the conclusion that in order to give a fair chance of inquiry, the matter can be remitted to the inquiry authority to conduct the inquiry afresh by giving an opportunity to the appellants to serve, on the respondent/writ petitioner, the document in English and accordingly, set aside the order of punishment dated 01.11.2001.

9. Had these documents now mentioned been produced before the writ Court, the learned writ Court would not have come to this conclusion. The reason being that all opportunities have been given to the respondent/writ petitioner and specifically, he had been asked as to whether he had got any objection to the appointment of the Inquiry Officer for conducting the inquiry in Hindi, he had specifically said “no” and that has been recorded also in the said document *i.e.*, the first monthly statement of force.



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10. When that being so, the respondent/writ petitioner cannot, after several years, turn around and state that he was not conversant with the Hindi language and therefore, the inquiry ought not to have been conducted in Hindi and it should have been conducted in English. Absolutely, there is no scope for entertaining such ground of the respondent/writ petitioner, as it goes contra to the document which was not filed before the writ Court but filed before this Court while dealing with this writ appeal. Hence, we feel that the order of the writ Court has to be interfered with.

11. Resultantly, the impugned order is set aside and the order of punishment of removal from service imposed on the respondent/writ petitioner dated 01.11.2001 is to be sustained, as a result of which, this writ appeal stands allowed. No costs. Connected C.M.P. is closed.

(R.S.K., J.) (A.D.M.C., J.)
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