

**NON-REPORTABLE**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 7020 OF 2019**

**(Arising out of Special Leave Petition(C) No(s).  
11207/2015)**

**S. DHANASEKARAN**

**APPELLANT(s)**

**VERSUS**

**THE COMMANDANT & ANR.**

**RESPONDENT(s)**

**J U D G M E N T**

**R. BANUMATHI, J.**

Leave granted.

2. Heard Mr. Sriram Parabhat, learned counsel appearing on behalf of the appellant as well as Mr. A.N.S. Nadkarni, learned Additional Solicitor General appearing on behalf of the respondents.

3. This appeal arises out of the order dated 27.11.2014 in W.A. No.2212 of 2011 passed by the High Court of Judicature at Madras by which the Division Bench has set aside the order passed by the learned Single Judge and affirmed the order of dismissal passed by the authorities.

4. The appellant joined Central Reserve Police Force as

a constable in 1987 and at the relevant point of time he was posted in 42 Battalion. In 2001 when he was serving in Delhi, he had to go to Chennai for urgent treatment of his wife. After availing 58 days leave (which was allowed), the appellant reported for duty. On 23.09.2001 the appellant is alleged to have committed misconduct under Section 11(1) of the Central Reserve Police Force Act, 1949. He is alleged to have consumed liquor, misbehaved and used filthy language to his superior officers and created nuisance in the campus during night hours on 23.09.2001 and disobeyed the orders of his superiors. The second charge relates to misbehaviour wherein he is alleged to have pulled out electric wirings resulting in total darkness in the campus and alleged to have assaulted another constable.

5. The appellant denied all the charges. An enquiry was conducted against the appellant. In the departmental proceedings reasonable opportunity was afforded to the appellant. The Enquiry Officer found all the charges proved against the appellant. On the basis of the inquiry report, vide Order dated 24.09.2002, the disciplinary authority dismissed the appellant from service with immediate effect by holding that the conduct of the

appellant is totally unbecoming of a member of the Central Reserve Police Force. The appeal filed by the appellant was rejected by the appellate authority.

6. Challenging the order of dismissal from service and dismissal of his appeal, the appellant filed writ petition before the High Court. The learned Single Judge held that the appellant was not well versed with Hindi and, therefore, the enquiry ought to have been conducted in the language with which he is acquainted. The learned Single Judge allowed the writ petition and directed the respondents to conduct fresh inquiry in conformity with the principles of the natural justice in the language known to the appellant.

7. Challenging the order of the learned Single Judge, the respondents filed writ appeal. After referring to the original record, the Division Bench held that the relevant pages of the enquiry proceedings were in Hindi; however, the appellant had fixed his signatures in Hindi on all the pages of the enquiry proceedings. The Division Bench held that the contents of the proceedings have been explained to the appellant and that he understood the contents of the proceedings. The Division Bench has also

pointed out that the appellant has not raised the said issue that he was not acquainted with the language-Hindi at the relevant stage of the enquiry proceedings. On those findings, the Division Bench set aside the order of the learned Single Judge and allowed the writ appeal. Being aggrieved, the appellant has filed this appeal by way of special leave to appeal.

8. The appellant joined Central Reserve Police Force as constable in 1987 and continued to work about 15-16 years till his dismissal in September, 2002. Learned counsel for the appellant has submitted that throughout his service the appellant has maintained discipline and good record. It was submitted that considering the length of service which the appellant has put, the punishment of dismissal from service imposed upon the appellant is disproportionate in nature and the learned counsel for the appellant prayed for considering the matter sympathetically.

9. As pointed out by the High Court, the appellant has not raised any objection at the appropriate stage of the enquiry proceedings that the enquiry was conducted in Hindi and that he did not understand the contents of the proceedings. It is seen from the record that sufficient

opportunity was given to the appellant and thereafter enquiry was conducted and only thereafter the punishment of dismissal from service was imposed. We do not find any procedural infirmity in conducting the enquiry and finding the appellant guilty of the offences charged. It is well settled that the the writ court normally does not interfere with the discretion of the disciplinary authority in imposing punishment. But when the Court finds the decision of the disciplinary authority and the punishment imposed highly disproportionate to the charges, the court can interfere with the quantum of the punishment.

10. Coming to the question of punishment of dismissal from service, considering the length of service which the appellant had put in and also in the peculiar facts and circumstances of the present case, we modify the punishment of dismissal from service to compulsory retirement w.e.f. 24.09.2002.

11. The appeal is, accordingly, partly allowed. The respondents are directed to work out all consequential benefits payable to the appellant including pension in accordance with the rules and disburse the same to the appellant as expeditiously as possible preferably within

three months from the date of receipt of a copy of this order.

.....J.  
[R. BANUMATHI]

.....J.  
[A.S. BOPANNA]

NEW DELHI;  
SEPTEMBER 05, 2019.

ITEM NO.3

COURT NO.6

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11207/2015

(Arising out of impugned final judgment and order dated 27-11-2014 in WA No. 2212/2011 passed by the High Court Of Judicature At Madras)

S. DHANASEKARAN

Petitioner(s)

VERSUS

THE COMMANDANT &amp; ANR.

Respondent(s)

Date : 05-09-2019 This petition was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Sriram Parabhat, Adv.  
Mr. B. Ragunath, Adv.  
Mr. P. Arun Kumar, Adv.  
Mr. Vijay Kumar, AOR

For Respondent(s) Mr. A.N.S. Nadkarni, ASG  
Mr. B.V. Balaram Das, Adv.  
Ms. Vimla Sinha, Adv.  
Mr. Jai Anant Dehadrai, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is partly allowed in terms of the signed non-reportable judgment.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI KUMAR)  
COURT MASTER (SH)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER

(Signed non-reportable judgment is placed on the file)