
CASE COMMENT: UNION OF INDIA VS. RAM KARAN (2022)

Divyangna Chauhan, Symbiosis Law School, Nagpur

1. INTRODUCTION

1.1. The case of *Union of India vs. Ram Karan*¹(2022) is a landmark decision which was given by the Supreme Court of India, which clarifies the scope of judicial review in matters pertaining to discipline in the armed forces. The ruling, hence, asserts the principles of limited judicial interference with the amount of punishment imposed by the departmental authorities to the aggrieved parties, specifically in disciplined forces, where conserving command and order is crucial and such misconduct is intolerable.

1.2. This case holds significant legal importance, as it not only reaffirms the boundaries of judicial authority but also points to the exploitation of the legal processes in order to sabotage institutional discipline and accountability with responsibility.

1.3. The court emphasized that courts should not act as appellate bodies and substitute their own judgments unless the punishment shocks the conscience or is grossly disproportionate or unreasonable. The decision also states the valid difference between “removal from service” and “dismissal.” Which ultimately further clarifies the implication of each of the under service law and the Central Reserve Police Force Act, 1949. The case sets a precedent for the disciplined forces, including the central reserve police forces (CRPF).

2. BACKGROUND AND FACTS OF THE CASE

2.1. The case originally emerged from a departmental inquiry against Ram Karan, an Ex. Constable of the central reserve police forces (CRPF). Ram Karan was accused of serious misconduct, including threats, abusive language, and physical violence, causing serious injuries to medical officer Dr. S.K. Bhatnagar, at the central reserve police forces (CRPF)

¹ Union of India v. Ram Karan, Civil Appeal No. 6723 of 2021, decided 11 Nov 2021, (2022) 1 SCC 373 (SC).

hospital.

2.2. The incident was triggered when the doctor refused to attest to Ram Karan's medical claims, which included a request originating from the treatment of his wife in the same hospital.

2.3. In this act of misconduct where Ram Karan, along with his wife, intruded upon the chamber of Dr. S.K. Bhatnagar, verbally abused him, and then charged physically upon him, causing the doctor to sustain injuries near his left eye. After which, in desperation to hide his misconduct and get away with his wrongdoing Ram Karan filed a false sexual harassment case against the doctor, accusing him of misbehaving with his wife.

2.4. As soon as the disciplinary authority got to know about the misconduct done by Ram Karan to the doctor and also alleging the doctor with a false case, Ram Karan was suspended from the service. The immediate suspension was granted to Ram Karan by the disciplinary authority.

2.5. During the disciplinary inquiry, which was conducted under Rule 27 of the central reserve police forces (CRPF). It was found that all the charges which were against him were proven to be true, and it was also found out that the doctor was falsely accused by Ram Karan. following to this, the disciplinary authority imposed a penalty of "removal from service". However, as soon as the matter gained publicity, the High Court of Delhi intervened in a writ petition and said that the punishment was too harsh and unreasonable.

2.6. The court has a duty to give reasonable decisions and not to give unreasonable decisions or orders. It set aside the order and then substituted it with a lesser penalty of confinement in a quarter guard from 1:00 p.m. to 10:00 P.M. and ordered reinstatement with all the benefits that were provided earlier. Here, the court gave a punishment that was not too harsh and was reasonable. This decision, which the Union of India deemed to as a judicial overreach and the precedent set for the disciplined forces, was further challenged by the Union of India in the Supreme Court of India in a civil appeal.

3. ANALYSIS

3.1. In this case, the Hon'ble Supreme Court held that the competent authority can award punishment of suspension or dismissal if a member of the force is found guilty of misconduct in his capacity.

3.2. The Hon'ble Supreme Court set aside the decree of the Hon'ble High Court and upheld the validity of the decision of the disciplinary authority. The Hon'ble Supreme Court emphasized that the disciplinary authority has exercised its powers vested in it to look into the matter and award the punishment. The Hon'ble Supreme Court mentioned that all the employees who are in civil services, their disciplinary matters are governed by their respective Services Rules.

3.3. The Hon'ble Supreme Court also highlighted that the Hon'ble High Court's decision to move with the case as a criminal trial and substitute the punishment was improper in law, as the Hon'ble High Court did not have any scope of judicial review to look into the matter already decided by the competent authority.

3.4. The Hon'ble Supreme Court emphasized that it is mandatory for the courts not to interfere in matters where the competent authority has exercised its jurisdiction to look into the matter and has made the decision thereof. The Hon'ble Supreme Court highlighted that the courts have a limited scope of judicial review in matters related to removal or dismissal from civil services. The courts can look into the matter only when the nature of the punishment is not proportional to the nature of the misconduct. Along with it, the court, under exceptional and rare circumstances, can think of substituting its view in the place of the decision given by the competent authority, and sufficient reasons should also be recorded by the courts for such a decision.

3.5. The Hon'ble Supreme Court mentioned that sections 9 and 10 of the Central Reserve Police Force Act, 1949 Act provide the nature of offences along with the nature of punishments. If necessary and sufficient grounds are recorded, the courts cannot or have a very limited scope to look into the matters. The Hon'ble Supreme Court referred the case of *B.C. Chaturvedi v. Union of India*, (1995),² where it was held that A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities, have exclusive power to consider the evidence with a view to maintaining discipline.

3.6. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on a penalty and impose some other penalty. If the punishment

² B. C. Chaturvedi v. Union of India, (1995) 6 SCC 749 (SC).

imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately grant the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed.

3.7. The Hon'ble Supreme Court referred another case of *Lucknow Kshetriya Gramin Bank v. Rajendra Singh (2013)*³, where it was held that the courts cannot assume the function of disciplinary departmental authorities and decide the quantum of punishment and nature of penalty to be awarded, as this function is exclusively within the jurisdiction of the competent authority.

3.8. Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such a penalty is found to be shocking to the conscience of the court. When the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee.

4. CONCLUSION

4.1. In this case the Hon'ble Supreme Court held that the courts have limited power of judicial review of the punishment awarded by the disciplinary authority, only under exceptional and rare circumstances the courts have the power to review the punishment of the disciplinary authority and if the court thinks that the punishment awarded is not appropriate with the misconduct then the court can substitute its view over the decision of the disciplinary authority and sufficient reasons needs to be recorded.

4.2. The Hon'ble Supreme Court's decision highlighted a well-reasoned clarification on whether the courts can interfere with the quantum of punishment awarded by the disciplinary authority or not. The Hon'ble Supreme Court upheld the jurisdiction of the competent authority to decide the quantum of punishment; this has helped in maintaining the autonomy and the authority of the disciplinary authority, as it prevents the external interference of the courts in the functioning of the disciplinary authority.

4.3. The Hon'ble Supreme Court also emphasized that the courts cannot assume the role of the disciplinary authority while deciding the quantum of punishment, which also maintains the

³ Lucknow Kshetriya Gramin Bank v. Rajendra Singh and Another, (2013) 12 SCC 372 : (2014) 1 SCC (L&S) 265 (SC)

principle of separation of powers, which states that all the organs of the government are distinct and separate from each other. The emphasis on the non-interference of the courts on the disciplinary authority has helped in preventing the judicial overreach by the courts, as the Hon'ble Supreme Court emphasized that the courts have the power of judicial review to check the fairness and legality of a particular law and not to re-evaluate facts or substitute its own view with the decision of the competent authority.

4.4. This helps maintain a functional boundary between the competent authority and the judiciary, ensuring that the courts remain a constitutional protector and a balance among the organs of the government. The Hon'ble Supreme Court has also given emphasis on the principle of proportionality, which is a fundamental concept of law. It is important that the courts exercise their power judicially and proportionally when exercising their jurisdiction in any matter.

4.5. The Hon'ble Supreme Court highlighted that the courts can only exercise their jurisdiction over matters of disciplinary authority when the punishment is not proportionate to the misconduct of the civil servant. This helps in ensuring fairness, promotes fair decision-making within departments, and encourages authorities to make reasoned decisions.

4.6. The Hon'ble Supreme Court has maintained a balance that even though the courts cannot have excessive jurisdiction but the employees also have the appeal against the unjust treatment, and the courts can exercise their jurisdiction to look into the matter if there is a violation of principles of natural justice, if the disciplinary proceedings were conducted in an unfair manner and if the punishment is unreasonable. The exercise of jurisdiction by the competent authorities also helps in reducing the burden of cases in the judiciary, facilitating quick decision-making and speedy justice.