

News

Mental disease can't be stigmatised, treated as character flaw or indiscipline: Delhi High Court



The Court gave relief to a CRPF officer who faced disciplinary proceedings on allegations of misconduct, which was later found to be linked to mental health conditions.

The Delhi High Court recently noted that mental illness cannot be stigmatised, adding that behaviour coming from mental health conditions cannot be treated as indiscipline .

The Court gave relief to an officer of the Central Reserve Police Force (CRPF), who faced disciplinary procedures on accusations of misconduct that were later found to

be linked to mental health conditions.

The CRPF officer was punished by depriving him of any increment for five years on charges of indiscipline and insubordination.

However, a series of medical evaluations showed that the petitioner was suffering from Compulsive Personality Disorder (OCD) and depression.

The Division Bench of Justice Hari Shankar and Justice Om Prakash Shukla gave the CRPF officer relief, after observing,

“Mental illness cannot be treated as a stigma, a character flaw, or a disciplinary infraction. The enactment of the Mental Healthcare Act, 2017 and the RPwD Act shows the legislative intent to ensure that persons with mental illness are not marginalised, discriminated against or subjected to institutional responses that aggravate their condition.”

The Court found that the disciplinary proceedings against the petitioner were mechanically handled.

“The disciplinary process proceeded in a mechanical manner, ignoring the petitioner’s mental condition, medical recommendations and statutory protections,” the Court stated.

Where such a disability has a link with the alleged act of misconduct, the employer must factor in the same while conducting disciplinary proceedings, the Court said.

“The obligation to provide reasonable accommodation to a person with mental illness is a mandatory requirement under the RPwD Act, and forms an essential component of quality. Where the disability has a nexus with the alleged act of misconduct, the employer must consider the fact of disability while starting disciplinary procedures. The inquiry would be vitiated otherwise,” the Court's ruling stated.

The Court added that denying such factors to the petitioner tainted the disciplinary proceedings against him and constituted discrimination.

“The disciplinary proceedings against the petitioner here were conducted as if the provisions of RPwD Act are not applicable to him, without even acknowledging or accommodating his mental illness. No steps were taken to modify tasks, provide medical support, or tailor the enquiry to the petitioner’s cognitive and functional limitations. Applying the above-mentioned principle, the failure to provide reasonable accommodation in itself constitutes discrimination, thereby tainting the disciplinary proceedings,” the Court held.

Further, the denial of medical records to the petitioner during the disciplinary process was also called a procedural lapse that violated Article 21 (right to life and liberty) of the Constitution, the Court said.

Denial of access to such crucial records vitiated the fairness of the disciplinary process, the Court ruled.

The Court added that though discipline in the armed forces is of paramount importance, the law equally accommodates people afflicted with mental illness.

The petitioner had been pulled up by his superiors for absence from duty, claimed arrogant conduct and for not conducting his duty on field. The petitioner was also involved in a fight with a subedar that resulted in his suspension.

The petitioner took a medical evaluation in which he was diagnosed with Obsessive Compulsive Personality Disorder (OCD). A medical board was also formed at a Chandigarh hospital, which conducted his psychiatric assessment and stated that the petitioner suffered from a moderate depressive episode.

The board told CRPF that the petitioner should not handle firearms for at least one year.

However, disciplinary proceedings started against the petitioner finally culminated in an order awarding him the penalty of compulsory retirement with a 30 per cent reduction in pension and gratuity. This order also stripped the petitioner of his medals and awards.

The petitioner made an appeal before the competent authority, which dismissed his plea.

He then made a revision plea, challenging the correctness of these rulings.

The Revisional Authority set aside the order under review. However, the Revisional Authority instead gave him the penalty of **“stoppage of next increment for five years with cumulative effect.”** It also recorded a certain period as time **“not spent on duty.”**

The petitioner then sought the High Court for relief. The Court has quashed the disciplinary charges against him.

“The disciplinary proceedings having been held vitiated, the petitioner shall be entitled to full restoration of service benefits as if the penalty had not intervened,” the Court stated.

The High Court added that if he is posted to an alternate role in the CRPF on account of his mental health condition, he shall be entitled to the protection under Section 20(4) (no government establishment shall reduce rank of employee who acquires a disability during his or her service) of the RPwD Act.

“The authorities will be at liberty to ensure that the assignment to an alternate post does not involve the use of or control over fire-arms,” the Court further said.

Advocates Manoj V George, Shilpa Liza George and Brinda Bhattiprolu stood for the petitioner.

Central Government Standing Counsel Raj Kumar with advocate Vinod Sawant argued for the Union of India.