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OA.No.170/00261/2025/CAT/BANGALORE



**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00261/2025

**ORDER RESERVED ON: 24.06.2025
DATE OF ORDER: 01.07.2025**

CORAM:

HON'BLE MR. JUSTICE B.K. SHRIVASTAVA, MEMBER (J)

HON'BLE MR. SANTOSH MEHRA, MEMBER (A)

Sri. Vikash Kumar Vikash, IPS (KN-2004)

(By Shri Dhyan Chinnappa, Senior Advocate along with
Advocate Shri Dhanush Menon)

Vs.

1. State of Karnataka

Represented by its Chief Secretary,
Government of Karnataka, Vidhana Soudha,
Dr. B.R. Ambedkar Veedhi,
Bengaluru – 560 001.

**2. Department of Personnel & Administrative Reforms
(DPAR)**

Under Secretary to
Government of Karnataka,



Vidhana Soudha,
Bengaluru – 560 001.

...Respondents

(By Shri Reuben Jacob, AAG along with Advocate
Shri M. Rajakumar)

ORDER

PER: JUSTICE B.K. SHRIVASTAVA, MEMBER (J)

1. This OA has been filed on 09.06.2025 for quashment of the order dated 05.06.2025 (Annexure – A3) issued by Respondent No.2 by which the applicant has been suspended along with other four (04) officers of the Police Department of Karnataka.
2. Final of IPL Tournament was scheduled at Ahmedabad on 03.06.2025 in which the match was scheduled between “Royal Challengers Bengaluru” (RCB) and “Punjab Kings eleven” (PBKS). Between the intervening night of 3rd and 4th June, 2025, after a period of 18 years, the RCB won the aforesaid final IPL Match. “M/s. DNA Entertainment Network Private Limited”, the event management firm for RCB organised a potential victory parade around the M. Chinnaswamy Stadium and also a celebration at the stadium. The aforesaid celebration was scheduled for 4th June, 2025. During the aforesaid celebration, a stampede occurred resulting in 11 deaths and over 50 injured. After the aforesaid incident, the respondents issued the suspension



order Annexure – A3 by which the **applicant Shri Vikash Kumar Vikash**, an **IPS officer** holding the post of “**Inspector General & Additional Commissioner of Police, West, Bengaluru City**” was suspended. By the same order, in addition to the applicant, another IPS officer **Shri B. Dayananda** (Additional Director General & Commissioner of Police, Bengaluru City, Bengaluru), and another IPS officer **Shri Shekar H Tekkannavar** (Deputy Commissioner of Police, Central Division, Bengaluru City), **Shri C. Balakrishna** (Assistant Commissioner of Police, Cubbon Park, Bengaluru) and **Shri A.K. Girish** (Police Inspector, Cubbon Park Police Station, Bengaluru) were also suspended. Out of the aforesaid 5 officers (3 IPS & 2 State Police Service) only Shri Vikash Kumar Vikash filed this petition against the suspension order.

3. As per applicant's case, the suspension order is liable to be quashed because there was no any fault of the applicant. The order itself shows that there was lack of time to prepare the huge event. The FIR (Annexure – A2) has been registered on 05.06.2025 against the RCB franchise, DNA Entertainment and Karnataka State Cricket Association (KSCA). The suspension order has been issued without issuing a show cause notice or without granting any opportunity for showing the defence. Any primary inquiry was not conducted. However, organizing and



security arrangements were adequately made keeping in mind the idea of the organizers in relation to the celebration and victory parade. Moreover, the scale of arrangement was made in a short span of time. Suspension is an extreme measure and should only be imposed in case of grave misconduct, corruption, criminal negligence, etc. In this regard, the applicant cited the judgment passed by the Hon'ble Supreme Court in *Ajay Kumar Choudhary case* and submitted that the suspension order is a cyclostyled and mechanical order issued without independent evaluation of the applicant's role. The magisterial inquiry is still pending, while the applicant has been suspended without any primary findings. Therefore, the aforesaid order is liable to be quashed. The applicant claimed the relief in para 8 as under:-

- “i) Issue a writ of certiorari or any other appropriate writ, order, or direction quashing the impugned suspension order dated 05.06.2025 (G.O. No. DPAR 183 SAS 2025) issued by the 2nd Respondent produced as ANNEXURE-A3;*
- ii) Issue a writ of mandamus or any other appropriate writ, order, or directing reinstatement of the applicant forthwith;*
- iii) Pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case and in the interest of justice.”*

4. The respondents filed the reply statement on 19.06.2025. It is submitted by the respondents that Karnataka Police Manual described the duties and responsibilities of police. According to



aforesaid manual the primary duty of the Police is to prevent crime but considering the events leading to the tragedy prima facie suggests lack of policing on the part of the Jurisdictional Bengaluru City Police which led to the unfortunate incident at the Chinnaswamy Stadium on 04.06.2025. Prima facie it appears that the applicant and other officers failed to maintain law and order. The respondents also cited some judgments related to the definition of negligence. It is also submitted that suspension is not a punishment.

5. Both parties placed the reliance upon the case of *Union of India Vs. Ashok Kumar Aggarwal, (2013) 16 SCC 147*.

6. In **Rule 3** of the “**All India Services (Discipline and Appeal) Rules, 1969**”, says about suspension:-

“3. Suspension. –

*(1) If, having regard to the circumstances in any case and, where articles of **charge have been drawn up**, the nature of the charges, the Government of a State or the Central Government, as the case may be, is satisfied **that it is necessary or desirable to place under suspension a member of the Service, against whom disciplinary proceedings are contemplated or are pending**, that Government may –*

- (a) if the member of the Service is serving under that Government, pass an order placing him under suspension, or*
- (b) if the member of the Service is serving under another Government request that Government to place him under suspension, pending the conclusion of the*



disciplinary proceedings and the passing of the final order in the case.”

7. In *State of Orissa Vs. Bimal Kumar Mohanty (1994) 4 SCC 126 = 1994 SCC (L&S) 875 = (1994) 27 ATC 530* the Supreme Court considered the suspension and observed that **It would not be as an administrative routine or an automatic order to suspend an employee.** It should be on consideration of the gravity of the alleged misconduct or the nature of the allegations imputed to the delinquent employee. In para 13 the court said:-

“13. It is thus settled law that normally when an appointing authority or the disciplinary authority seeks to suspend an employee, pending inquiry or contemplated inquiry or pending investigation into grave charges of misconduct or defalcation of funds or serious acts of omission and commission, the order of suspension would be passed after taking into consideration the gravity of the misconduct sought to be inquired into or investigated and the nature of the evidence placed before the appointing authority and on application of the mind by disciplinary authority. Appointing authority or disciplinary authority should consider the above aspects and decide whether it is expedient to keep an employee under suspension pending aforesaid action. It would not be as an administrative routine or an automatic order to suspend an employee. It should be on consideration of the gravity of the alleged misconduct or the nature of the allegations imputed to the delinquent employee. The Court or the Tribunal must consider each case on its own facts and no general law could be laid down in that behalf. Suspension is not a punishment but is only



one of forbidding or disabling an employee to discharge the duties of office or post held by him. In other words it is to refrain him to avail further opportunity to perpetrate the alleged misconduct or to remove the impression among the members of service that dereliction of duty would pay fruits and the offending employee could get away even pending inquiry without any impediment or to prevent an opportunity to the delinquent officer to scuttle the inquiry or investigation or to win over the witnesses or the delinquent having had the opportunity in office to impede the progress of the investigation or inquiry etc. But as stated earlier, each case must be considered depending on the nature of the allegations, gravity of the situation and the indelible impact it creates on the service for the continuance of the delinquent employee in service pending inquiry or contemplated inquiry or investigation. It would be another thing if the action is actuated by mala fides, arbitrary or for ulterior purpose. The suspension must be a step in aid to the ultimate result of the investigation or inquiry. The authority also should keep in mind public interest of the impact of the delinquent's continuance in office while facing departmental inquiry or trial of a criminal charge."

In reference to the above subject, the case of ***R.P. Kapur v. Union of India, AIR 1964 SC 787*** and ***Balvantrai Ratilal Patel v. State of Maharashtra, AIR 1968 SC 800*** may also perused.

8. In the case of ***Union of India Vs. Ashok Kumar Aggarwal, (2013) 16 SCC 147 = (2014) 3 SCC (L&S) 405 = 2013 SCC OnLine SC 1031 [22.11.2013]*** the Supreme court referred the above ***State of Orissa Vs. Bimal Kumar Mohanty (Supra)*** case and said that **suspension order should be passed only**



where there is a strong prima facie case against the delinquent **considering the gravity** of the alleged misconduct i.e. **serious act of omission or commission** and the **nature of evidence available**.

In para 21 & 22 the court said:-

“21. The power of suspension should not be exercised in an arbitrary manner and without any reasonable ground or as vindictive misuse of power. Suspension should be made only in a case where there is a strong prima facie case against the delinquent employee and the allegations involving moral turpitude, grave misconduct or indiscipline or refusal to carry out the orders of superior authority are there, or there is a strong prima facie case against him, if proved, would ordinarily result in reduction in rank, removal or dismissal from service. The authority should also take into account all the available material as to whether in a given case, it is advisable to allow the delinquent to continue to perform his duties in the office or his retention in office is likely to hamper or frustrate the inquiry.

22. In view of the above, the law on the issue can be summarised to the effect that suspension order can be passed by the competent authority considering the gravity of the alleged misconduct i.e. serious act of omission or commission and the nature of evidence available. It cannot be actuated by mala fide, arbitrariness, or for ulterior purpose. Effect on public interest due to the employee's continuation in office is also a relevant and determining factor. The facts of each case have to be taken into consideration as no formula of universal application can be laid down in this regard. However, suspension order should be passed only where there is a strong prima facie case against the delinquent, and if the charges stand proved, would ordinarily warrant imposition of major



punishment i.e. removal or dismissal from service, or reduction in rank, etc.”

9. In the aforesaid case the Court also said in para 27 that suspension is a device to keep the delinquent out of the mischief range. The purpose is to complete the proceedings unhindered. Suspension is an interim measure in the aid of disciplinary proceedings so that the delinquent may not gain custody or control of papers or take any advantage of his position. More so, at this stage, it is not desirable that the court may find out as to which version is true when there are claims and counterclaims on factual issues. The court cannot act as if it is an appellate forum de hors the powers of judicial review.

10. Powers of Judicial review in case of suspension have been examined by the Supreme Court in *Jayrajbhai Jayantibhai Patel v. Anilbhai Nathubhai Patel [(2006) 8 SCC 200]*. The Court said that no standardised formula, universally applicable to all cases but the **power of judicial review may not be exercised unless** the administrative **decision is illogical** or **suffers from procedural impropriety** or it **shocks the conscience**. It was also observed that if court is satisfied that **there is an abuse or misuse of power, than the court can intervene**. The court explained: (SCC p. 209, para 18)



“18. Having regard to it all, it is manifest that the power of judicial review may not be exercised ***unless the administrative decision is illogical or suffers from procedural impropriety or it shocks the conscience*** of the court in the sense that it is in defiance of logic or moral standards but no standardised formula, universally applicable to all cases, can be evolved. Each case has to be considered on its own facts, depending upon the authority that exercises the power, the source, the nature or scope of power and the indelible effects it generates in the operation of law or affects the individual or society. ***Though judicial restraint, albeit self-recognised, is the order of the day, yet an administrative decision or action which is based on wholly irrelevant considerations or material; or excludes from consideration the relevant material; or it is so absurd that no reasonable person could have arrived at it on the given material, may be struck down.*** In other words, when a court is satisfied that there is an abuse or misuse of power, and its jurisdiction is invoked, it is incumbent on the court to intervene. It is nevertheless, trite that the scope of judicial review is limited to the deficiency in the decision-making process and not the decision.”

11. The scope of interference by the Court with the order of suspension has been examined in a large number of cases, particularly in *State of M.P. vs. Shardul Singh*, (1970) 1 SCC 108, *P.V. Srinivasa Sastry vs. Comptroller & Auditor General* (1993) 1 SCC 419, *ESI vs. T. Abdul Razak*, (1996) 4 SCC 708, *Delhi Cloth & General Mills Ltd. vs. Kushal Bhan* AIR 1960 SC 806, *U.P. Rajya Krishi Utpadan Mandi Parishad vs. Sanjiv Rajan*, 1993 Supp (3) SCC 483, *State of Rajasthan vs. B.K. Meena* (1996) 6 SCC 417, *Prohibition and Excise Deptt. vs. L.*



Srinivasan (1996) 3 SCC 157 and *Allahabad Bank vs. Deepak Kumar Bhola (1997) 4 SCC 1*, wherein it has been observed that where the charges are baseless, mala fide or vindictive and are framed only to keep the delinquent employee out of job, a case for judicial review is made out. Whether the employee should or should not continue in his office during the period of enquiry is a matter to be assessed by the disciplinary authority concerned and **ordinarily the court should not interfere** with the orders of suspension **unless** they are passed in **mala fide** and **without there being even a prima facie evidence** on record connecting the employee with the misconduct in question.

12. Now we examine the order Annexure – A3 in the light of aforesaid principles laid down in rules and judgments, etc. It will be proper to quote the aforesaid order Annexure – A3 as it is:-

**“PROCEEDINGS OF THE GOVERNMENT OF
KARNATAKA**

Sub: Suspension of Sri. B. Dayananda, IPS., Commissioner of Police, Bengaluru City and Others – regarding.

Read: Government Order No. HD 218 PCE 2025, Dated: 04.06.2025.

Preamble:

As per the GO issued by Home Department read above, the gist of unfortunate incident is explained below:-

On 04.06.2025, there was stampede during the victory celebrations of RCB in Chinnaswamy Stadium, Bengaluru.



Eleven (11) people have died and more than 50 people have been injured. A Magisterial enquiry has been ordered under Deputy Commissioner & District Magistrate, Bengaluru Urban District, Bengaluru for giving his report within 15 days. Pending enquiry it is found that there has been a substantial dereliction of duty by the following officers:-

1. *Sri. B. Dayananda, IPS, Additional Director General & Commissioner of Police, Bengaluru City, Bengaluru.*
2. *Sri. Vikash Kumar Vikash, IPS, Inspector General & Additional Commissioner of Police, West, Bengaluru City.*
3. *Sri. Shekar H Tekkanavar, IPS, Deputy Commissioner of Police, Central Division, Bengaluru City.*
4. *Sri C Balakrishna, Asst Commissioner of Police, Cubbon Park, Bengaluru.*
5. *Sri A K Girish, Police Inspector, Cubbon Park Police Station, Bengaluru.*

The CEO of RCB had intimated Commissioner of Police, Bengaluru City on 03/06/2025 about holding the victory parade and celebrations on 04th of June 2025. However, the office of Police Commissioner failed to give written reply to the Organizers, rejecting the permission on the grounds of lack of time to prepare for such a huge event.

The RCB and the Cricket Association went ahead to tweet about the celebrations and inviting the fans to Chinnaswamy stadium without going through the usual practice of issue of tickets or passes. Despite, the knowledge of these developments and expectation of huge turnout of cricket fans by the Police, steps were not taken to either have the event organized systematically at the stadium or give adequate information to the public to take necessary precautions for their safety or provide additional Police force for appropriate crowd management.

Further, the above situation was not discussed with the higher ups for taking necessary guidance and advice in the matter. As a result, the situation went out of control and brought a lot of misery, loss of precious life and embarrassment to the Government.

In view of the above, the conduct of the above mentioned IPS Officers is in gross violation of AIS (Conduct)



Rules and that of the ACP and Pl is in gross violation of Karnataka State Police (Disciplinary Proceedings) Rules, 1965. Hence, the following Order.

GOVERNMENT ORDER No. DPAR 183 SAS 2025,
BENGALURU, DATED: 5th June, 2025.

In the circumstances explained in the preamble, now therefore in exercise of the powers under Rule 3(1)(a) of the All India Service (Discipline & Appeal) Rules, 1969, the following IPS officers are placed under suspension with immediate effect on examination of the way events have unfolded leading to the tragedy prima facie, it is found that there has been on the face of it substantial dereliction of duty by the following officers :-

1. *Sri. B. Dayananda, IPS, Additional Director General & Commissioner of Police, Bengaluru City, Bengaluru.*
2. *Sri. Vikash Kumar Vikash, IPS, Inspector General & Additional Commissioner of Police, West, Bengaluru City.*
3. *Sri. Shekar H Tekkannavar, IPS, Deputy Commissioner of Police, Central Division, Bengaluru City.*

Further, the following police officials are placed under suspension under Rule 5 of Karnataka State Police (Disciplinary Proceedings) Rules, 1965 with immediate effect on examination of the way events have unfolded leading to the tragedy prima facie, it is found there has been on the face of it substantial dereliction of duty by the following officers:-

1. *Sri C Balakrishna Asst Commissioner of Police, Cubbon Park, Bengaluru.*
2. *Sri A K Girish, Police Inspector, Cubbon Park Police Station, Bengaluru.*

During the period of suspension, the officers shall be paid subsistence allowance in accordance with relevant Rules.



During the period of suspension, the officers shall not leave the Headquarters, under any circumstances without the written permission of the State Government.

*By order and in the name of the
Governor of Karnataka,
(T.Mahanthesh)
Under Secretary to Government
DPAR (Services-I)"*

13. It appears from the perusal of the aforesaid order that it is mentioned that **"pending enquiry it is found that there has been a substantial dereliction of duty"**. What is the base of this sentence?, is not clear.

14. After mentioning the name of 5 officers, it is mentioned in the order that the CEO of RCB had intimated Commissioner of Police, Bengaluru City on 03.06.2025 about holding the victory parade and celebration on 04.06.2025. **The aforesaid portion of the order is not correct** because the respondents did not submit the copy of any intimation submitted to the Commissioner of Police, Bengaluru on 03.06.2025. The respondents himself submitted the copy of letter Annexure – R2 in this regard. The aforesaid letter is as under:-

"THE KARNATAKA STATE CRICKET ASSOCIATION
(Affiliated to the Board of Control for Cricket in India)

CEO/PC/IPL 18 2025/128
2025
To,

3rd June,



**The Inspector Police,
Cubbon Park Police Station, Kasturba Road,
Bangalore 560 001.**

Sir,

Subject: RCB Victory parade & celebrations

Kindly accept our sincere greetings from the Karnataka State Cricket Association (KSCA). Trust this letter finds you & your family in the best of health and wish all of you the very best for the future.

Sir, on behalf of the M/s. DNA Entertainment Networks Private Limited, KSCA requests to inform that after the TATA IPL 2025 Finals on 3rd June 2025, in case Royal Challengers Bengaluru wins the IPL 2025 title, M/s. DNA Entertainment Networks Private Limited shall make plans for potential victory parades around the M.Chinnaswamy Stadium which shall end with a victory celebrations at the Stadium.

Sir, the route for the victory parade starts from Vidhana Soudha via Indian Express, Cubbon Road, M.G. Road shall finally end at the Chinnaswamy Stadium, the victory parades continues to a victory ceremony at the Stadium where various entertainment programmes have been planned which involves the RCB Players & RCB Support Staff along with the RCB Management.

Sir, enclosed is the details of the victory parade route for your kind reference please.

In case of any further clarifications, required by your offices, the undersigned may kindly be contacted please.

**Thanking You,
Yours truly in cricket,
With Best Wishes & Kind Regards,
Shubhendu Ghosh, ITS (Retd)
Chief Executive Officer – KSCA”**



15. It appears from the aforesaid letter that the letter was submitted to the Inspector of Police, Cubbon Park Police Station, Bengaluru. Any copy of this letter was not given to any superior officer. It is not shown that the copy was also given to the present applicant Shri Vikash Kumar Vikash or other officers, Shri B. Dayananda or Shri Shekar H Tekkannavar.

16. The order *“Licensing and Controlling of Assemblies and Public Procession (Bengaluru City) Order, 2009”* is in force in the area. As per aforesaid order, the application in the **Form No.1** for **permission to procession** and in **Form No.2** for the **permission of assembly** is required before seven days (excluding the date of submission of application). As per Section 1(5), the concerned licensing authority is also described. According to aforesaid provision in the present situation, the permission for procession and assembly should be taken from the Additional Commissioner of Police and law and order. The aforesaid provisions of the *order 2009* contain the entire procedure. According to the procedure, the **‘views and report’** should be obtained upon the various points stated in the order and the **‘factors’** are also mentioned which are required to be considered by the licensing authority before granting the permission /Licence. Rule 8 says that the licensing authority having the power to refuse



to grant the license and as per Section 10 the appeal may be preferred against the refusal order.

17. Therefore, it appears that **any application in Form No. 1 & 2 was not submitted by the RCB or M/s DNA Entertainment Network Private Limited, the event management firm of RCB.** Without taking any permission the aforesaid franchise organized the programme. As per Rule 3 (2) of the aforesaid order the application Form No. 1 & 2 should be submitted along with some fees. Any fees was not deposited. Without complying the aforesaid order, the concerned company only submitted a simple letter (Annexure – R2) to the Inspector of Police, Cubbon Park Police Station which cannot be said the compliance of the prescribed rules. Upon the basis of this letter, prima facie the police was not bound to give any facilities or to provide any support. In spite that the Police provided the proper arrangements as far as possible.

18. In the aforesaid order Annexure – A3, the reference has been given to the Government Order No. HD 218 PCE 2025 dated 04.06.2025. Annexure – R1 dated 04.06.2025 shows that Shri Jagadish G, IAS, (Deputy Commissioner and District Magistrate, Bangalore Urban District, Bangalore) has been appointed as the Inquiry Officer to conduct a **magisterial inquiry** in the lapses and negligence regarding the causes and sequences of events and



circumstances leading to the stampede and death of the deceased near the gate of Chinnaswamy Stadium, Bengaluru city and the lapses that may have occurred in this case. 15 days' time was granted to conduct the aforesaid magisterial inquiry. During final arguments, it was admitted by the learned counsel for the respondents that any inquiry report has not been submitted within 15 days and the inquiry officer is seeking extension of time to submit the aforesaid inquiry. The aforesaid order Annexure – R1 shows:-

**“PROCEEDINGS OF THE GOVERNMENT
KARNATAKA”**

Sub: The Magisterial inquiry regarding the stampede that occurred during the Victory celebration ceremony of RCB on 04.06.2025.

Ref: Letter from Director General & Inspector General of Police, Bangalore, No.L&O/6/84/B.City/2025, dated: 04.06.2025.

PREAMBLE:-

In the report dated: 04.06.2025 read above, the Director General and Inspector General of Police, Bangalore has stated that thousands of cricket fans had gathered in front of the Vidhana Soudha and near Chinnaswamy Stadium on the occasion of the RCB victory celebration on 04.06.2025. Since the event was scheduled at a short notice, all possible bandobust arrangements were made immediately. However, due to the sudden rush of thousands of fans, at around 3: 30 to 4: 30 pm, a stampede broke out inside the Chinnaswamy Stadium when the barricades came crashing down on each other, resulting in



the death of eleven people. At least 47 people were injured and are being treated in various hospitals.

The report submitted by the Director General and Inspector General of Police, Bangalore has been thoroughly examined in the Government and the Government has decided to conduct a thorough magisterial inquiry into the stampede at Chinnaswamy Stadium in Bangalore city and the causes, sequence of events and circumstances leading to the death of the deceased and the lapses that may have occurred in this case, the persons responsible for this lapse and whether it was due to negligence. Hence, the order.

GOVERNMENT ORDER NO. HD 218 PCE 2025,
BANGALORE,
DATED: 04.06.2025

In view of the facts explained in the proposal, Shri Jagadish G, IAS, Deputy Commissioner and District Magistrate, Bangalore Urban District, Bangalore has been appointed as the Inquiry Officer to conduct a thorough magisterial inquiry into the lapses and negligence, regarding the causes, sequence of events and circumstances leading to the stampede and death of the deceased near the gates of Chinnaswamy Stadium, Bangalore City and the lapses that may have occurred in this case.

The Inquiry Officer shall complete the magisterial inquiry within 15 days from the date of issue of this order and submit a report to the Government.

By order and in the name of
the Governor of Karnataka
Sd/-

(Kumta Prakash)
Deputy Secretary to Government,
Home Department (Law and Order) ”

19. It appears from the aforesaid order that the report dated 04.06.2025 was submitted by Director General and Inspector



General of Police, Bengaluru and it was stated in the aforesaid report that **thousands of cricket fans had gathered in front of the Vidhana Soudha and near Chinnaswamy Stadium and the event was scheduled at a short notice, all possible bandobast arrangements were made immediately.** However, due to the sudden rush of thousands of fans at around 3:30 p.m. to 4:30 p.m. a stampede broke outside the Stadium. The aforesaid para 1 of the report shows that all possible arrangements were made within a short time.

20. The magisterial inquiry was ordered on 04.06.2025 and on 05.06.2025 a “**commission of inquiry**” headed by a retired Judge of Hon’ble High Court of Karnataka was also constituted under **sub-rule (1) of Rule 3** of the “**Commission of Inquiry Act, 1952**”. The copy of the aforesaid notification dated 05.06.2025 (Annexure – R5) is also placed on record. It appears that in the terms of reference of the Inquiry Commission at Serial No.5, it is also mentioned:-

“Identification of persons responsible for lapses / deficiencies that led to the incident”

21. It appears from the aforesaid clause of reference that till the date 05.06.2025 it was not ascertained that who are responsible for the lapses and deficiencies. The same is also reflected from the



order of magisterial inquiry (Annexure – R1) in which it is also mentioned that the inquiry officer will conduct the inquiry into the lapses and negligence regarding causes. It means till issuing the order of magisterial inquiry and the inquiry commission, Government was not in the position to ascertain the fact that which person or which officers were responsible for the aforesaid stampede.

22. It is also stated in the reply statement submitted by the respondents that even the Police had any notice of the aforesaid function then it was the duty of the Police to make proper arrangements. The respondents submitted Annexure – R3 for showing the relevant portion of “**Karnataka Police Manual**”. He draws attention towards the “**miscellaneous duties**” stated in **Article 1620** and “**instructions for managing large assemblies**” stated in **Article 1622**. In the aforesaid article, the various duties and arrangements are stated. In Article 1624, “**other arrangements to be made**” are also stated. But the question arise whether “sufficient time” was available to the Police for making the sufficient arrangements? The answer is negative.

23. It appears that except the letter (Annexure – R2), any application under the “**Licensing and Controlling of Assemblies and large procession (Bangalore city) Order, 2009**” in Form



No.1 & 2 along with the prescribed fees was not submitted before 7 days.. Rule 3(5) of the aforesaid order is also important. It has been stated in the aforesaid rule that every application for procession or assemblies shall be made at least 07 clear days in advance excluding the date on which the procession or assembly is proposed to be held. The “Police regulation” stated by the respondents counsel cannot be read in isolation. The aforesaid ‘Police regulation’ are required to be read along with the aforesaid stated ‘Order 2009’. Before 07 days, the application, in the prescribed format, along with the required fees as per Rule 3(2), should be submitted otherwise the Police will not be liable.

24. In the present case, the match was scheduled between the intervening night of 3rd and 4th June, 2025. At the time of submission of letter Annexure – R2 it was not certain that the team will win the match. Subject to winning, the programme was scheduled. The organiser did not wait for the response of the Police. At the eleventh hour, they submitted a letter and started the scheduled programme. On 04.06.2025, the RCB posted the link on Instagram, Facebook and X (Formerly known as Twitter) in which it was stated that the *RCB victory parade is scheduled in Bengaluru*. Thereafter, on the same date at 8 a.m. the RCB posted the link on instagram, in which it was stated “Army, We can’t wait to be back to the Home of Champions and celebrate



with all of you today. Details out soon.” Thereafter, at 8:55 a.m.

on the same date again the caption was posted on instagram in which the statement of cricketer Virat Kohli was also mentioned.

At 3:14 p.m. the RCB again posted the caption on instagram, facebook and X which is more important. It says:-

“RCB Victory Parade: Today at 5 pm IST.

Victory Parade will be followed by celebrations at the Chinnmaswamy stadium.

We request all fans to follow guidelines set by police and other authorities, so that everyone can enjoy the roadshow peacefully.

Free passes (limited entry) available on shop.royalchallengers.com”

25. Therefore, it appears that without obtaining the permission from the Police or without the consent of concerned Police Officers, the franchise of RCB placed the information to the public on social media platforms. The franchise of RCB unilaterally and without consultation with the city Police, posted a photo at 7:01 a.m. on the official handle of RCB on instagram informing that there is free entry for people and inviting the public to participate in the victory parade which would commence at Vidhana Soudha and conclude at Chinnaswamy Stadium. The second post on instagram was made at 8 a.m. reiterating the information. Subsequently, on 04.06.2025 at 8:55 a.m. the RCB shared the video clip of Virat Kohli on RCB’s official handle in which it was



stated that the team intends to celebrate this victory with the people of Bengaluru city and RCB fans on 04.06.2025 after the team returned to Bengaluru. Thereafter, RCB made one more post at **3:14 p.m.** on 04.06.2025 announcing a victory parade to be held from **Vidhana Soudha to Chinnaswamy Stadium from 5 to 6 p.m.** and victory parade would be followed by celebrations at Chinnaswamy Stadium. **In this post it was mentioned that free passes (limited entry) were available on shop.royalchallengers.com.** Until this point there had been no information regarding the disbursement of passes, implying that the event was open to all according to RCB post. The first post received 16 lakh views and the second post received 4.26 lakh views and the third post received 7.6 lakh views while the fourth post received 17 lakh views. **The aforesaid action of the RCB led the public gathering of immense proportion exceeding three lakh individuals.**

26. As a result of aforesaid media post of RCB, the crowd gathered near the Stadium about three lakhs and around the Chinnaswamy Stadium a significant number of people gathered upon the roads and other places approximately 14 kms. area. The **capacity of the Stadium** was 35 thousand while around 3 lakh people gathered around the stadium. **At that moment it was not possible for the Police to make the arrangements.**



27. Therefore, prima facie it appears that the RCB is responsible for the gathering of about three to five lakh people. The RCB did not take the appropriate permission or consent from the Police. Suddenly, they posted on social media platforms and as a result of aforesaid information the public were gathered. Because of shortage of time on 04.06.2026, the Police was unable to do the appropriate arrangements. Sufficient time was not given to the Police. The public was available in the whole night intervening 3rd to 4th June, 2025 on the streets of Bengaluru and Police was doing the management of aforesaid public. Another function was also organised by the State Government in the campus of the "Vidhana Soudha". Police was also deputed at that place. Suddenly, the RCB created the aforesaid type of nuisance without any prior permission. It cannot be expected from the Police that within a short time of about 12 hours the Police will make all arrangements required in the Police Act or in the other rules, etc. **Police personnel are also human beings. They are neither "God"(Bhagwan) nor Magician and also not having the magic powers like "Alladdin ka Chirag" which was able to fulfil any wish only by rubbing a finger .** To control the aforesaid type of gathering and for making the proper arrangements sufficient time should be given to the Police. But neither the information was given to the Police for making the



arrangements nor the permission was applied or granted by the Police. **The KSCA submitted a letter which also did not contain any request for granting the permission or for making the arrangements.** The letter shows only the information regarding the intention. Therefore, it was not expected from the Police that upon the basis of letter submitted before the Station In-charge of one Police Station, the Police will make all arrangements all of a sudden.

28. Looking to the aforesaid circumstances, it can be said that **by Annexure - A3, the action of suspending the Police officers is not based upon the sufficient / substantial materials. At the time of passing of the aforesaid order there was no any convincing material for showing the default or negligence of the concerned Police officers.** It is stated in the aforesaid order *"despite the knowledge of these developments and expectation of huge turnout of cricket fans by the Police, steps were not taken"*. The aforesaid portion of the order is not justified in the light of prevailing circumstances on the said date. **The Police was not in the position to take any other steps to organize the huge gathering.**

29. **Prima facie, it appears** that, at the time of passing the impugned order of suspension, any material was not available for



showing the “**substantial dereliction of duty**”. There was no any material for showing the fact that the Police was having sufficient time to make all the arrangements. No permission was granted by the Police because the concerned organizer did not apply for the permission as per Rules. As per terms of inquiry, it is yet to be ascertained that who was the responsible persons for the lapses and deficiencies. In the aforesaid all circumstances, **in view of this Tribunal the order Annexure – A3 has been passed in a mechanical manner and the order is not based upon the convincing materials. The Police officers have been suspended without any sufficient material or grounds. Hence, the aforesaid order is liable to be quashed.**

30. Therefore,

- (i) **we allow the present petition, and quash the order dated 04.06.2025 (Annexure – A3) in relation to the suspension of Shri Vikash Kumar Vikash,** (IPS, Inspector General & Additional Commissioner of Police, West, Bengaluru City).
- (ii) **The respondents are directed to re-instate the aforesaid applicant immediately.**
- (iii) The period of suspension will be treated as duty with full pay and allowances.



31. We also feel our duty to draw attention of the State Government towards the settled principle of law that where a citizen aggrieved by an action of government department has approached the Court and obtain a declaration of law in his/her favour, other similarly situated ought to be extended the benefit without the need for them to come to Court.

32. In this regard, *Amrut Lal Berry vs. Collector of Central Excise, New Delhi (1975) 4 SCC 714* may be perused. In the latest judgment of Hon'ble Supreme Court in *Lt. Col. Suprita Chandel Vs. Union of India and Others, 2024 SCC OnLine SC 3664 [09.12.2024]*, the judgment of *Amrut Lal* and para 19 of *K.I. Shephard v. Union of India, (1987) 4 SCC 431* also referred. It is has been stated in paras 14 to 16 as under:-

“14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court. [See *Amrit Lal Berry v. Collector of Central Excise, New Delhi, (1975) 4 SCC 714*]

15. In *K.I. Shephard v. Union of India, (1987) 4 SCC 431*, this Court while reinforcing the above principle held as under:—

“19. The writ petitions and the appeals must succeed. We set aside the impugned judgments of the Single Judge and Division Bench of the Kerala High Court and direct that each of the three transferee



banks should take over the excluded employees on the same terms and conditions of employment under the respective banking companies prior to amalgamation. The employees would be entitled to the benefit of continuity of service for all purposes including salary and perks throughout the period. We leave it open to the transferee banks to take such action as they consider proper against these employees in accordance with law. Some of the excluded employees have not come to court. There is no justification to penalise them for not having litigated. They too shall be entitled to the same benefits as the petitioners.”

*16. No doubt, **in exceptional cases** where the court has **expressly prohibited** the extension of the benefit to those who have not approached the court till then or in cases where a grievance in personam is redressed, the matter may acquire a different dimension, and the department may be justified in denying the relief to an individual who claims the extension of the benefit of the said judgment.”*

33. **Therefore, in the light of aforesaid settled position of law, we expect from the Government that the Government will give the same benefit to the other officers who were suspended by the same order Annexure – A3.**

Sd/-

(SANTOSH MEHRA)
MEMBER (A)

/ms/

Sd/-

(JUSTICE B.K. SHRIVASTAVA)
MEMBER (J)