

Court No. - 34

Case :- WRIT - A No. - 18475 of 2023

Petitioner :- Brajesh Kumar Yadav

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Anil Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the parties.

2. By means of this petition filed under Article 226 of the Constitution of India, petitioner prays for quashing the departmental proceedings initiated pursuant to the chargesheet dated 14.10.2023 on the ground that the charges are same as alleged in the first information report which is in connection with Case Crime No.0051 of 2023 under Section 7 of the Prevention of Corruption Act, 1988 and therefore, on the principle of law laid down by the Supreme Court in the case of **M. Paul Anthony vs. Bharat Gold Mines Ltd. and Anr.** reported in **(1999) 3 SCC 679** and paragraph 293 of the U.P. Police Regulations, the departmental proceeding could not await the result of the criminal trial.

3. Learned Standing Counsel on the contrary defends the chargesheet for the charges leveled therein as they relate to the corruption.

4. In the given facts and circumstances, petitioner is permitted to move an appropriate application before the disciplinary authority raising the question of maintainability of the departmental proceedings within a period of four weeks from today and in the event any such application is made disciplinary authority shall proceed to examine and decide the same by means of reasoned and speaking order without further proceeding in the matter of departmental enquiry.

5. With the aforesaid observations and directions, this petition stands ***disposed of***.

Order Date :- 3.11.2023

Deepika