

**Court No. - 8**

**Case :-** WRIT - A No. - 4971 of 2023

**Petitioner :-** Achyutanand Yadav, Pno No. 152251507

**Respondent :-** State Of U.P. Thru. Prin. Secy. Home, Civil Sectt. Lko  
And 3 Others

**Counsel for Petitioner :-** Dinesh Kumar Mishra, Chetan Sharma

**Counsel for Respondent :-** C.S.C.

**Hon'ble Dinesh Kumar Singh, J.**

1. Heard Shri Dinesh Kumar Mishra, learned counsel for the petitioner and Shri Pankaj Kumar Srivastava, learned Additional Chief Standing Counsel appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed seeking quashing of the charge-sheet dated 15.02.2023 issued to the petitioner for his gross misconduct as a police personnel inasmuch as the petitioner has been found to be involved for offences registered as Case Crime No.15 of 2023 under Sections 115, 419, 420, 467, 468, 471 and 120B I.P.C., Police Station-Vikas Nagar, District-Lucknow

3. In sum and substance, the allegations against the petitioner is that the petitioner was sent for maintaining order in recruitment process in the Army on 17.01.2023. However, the petitioner did not report at his duty place till 19.01.2023. It was found that the petitioner was involved in collecting money for securing employment/entry into the Army from the candidates.

4. The only ground which has been taken by the petitioner in the present petition is that he is facing criminal trial for the same charges and therefore, till the criminal trial gets over, the disciplinary proceedings should be kept in abeyance.

5. On the other hand, Shri Pankaj Kumar Srivastava, learned Additional Chief Standing Counsel for the State-respondents submits that the scope and ambit of disciplinary proceedings and the criminal proceedings are different. There is no absolute bar for not conducting the disciplinary proceedings when criminal proceedings are still going on, till date charges in the criminal proceedings have not been framed, whereas, in the disciplinary proceedings charge-sheet has been submitted. The trial has not yet begin in the criminal case, therefore, submissions advanced on behalf of the petitioner by learned Counsel for the petitioner does not hold good. Even otherwise, there is no absolute bar for conducting disciplinary proceedings during the pendency of a criminal proceedings as in the disciplinary proceedings

the outcome depends on the preponderance of probabilities, whereas, in the criminal proceedings, the prosecution is required to prove the case beyond reasonable doubt.

6. In view thereof, I find no merit and substance in the present petition, which is hereby **dismissed**.

**(Dinesh Kumar Singh, J.)**

**Order Date :- 13.7.2023**

Piyush/-