

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP (C) No. 588/2025
CM No. 1368/2025
CM No. 3280/2026

Reserved on: 24.07.2026
Pronounced on: 06.08.2026
Uploaded on: 06.08.2026

Ishvinder Singh Ranyal Aged 39 years
Son of Mohinder Singh,
R/o VPO Pouni Tehsil Pouni,
District Reasi.

.... Petitioner

Through: - Mr. Sunil Sethi, Sr. Adv. With
Ms. Rudra Sharma, Advocate
Ms. Vanya Gupta, Advocate

v/s

1. Jammu and Kashmir Bank Limited, Corporation
Headquarters, M.A. Road,
Srinagar Through its Managing Director. Respondent(s)
2. General Manager (HR)
Jammu and Kashmir Bank
Limited Corporation
Headquarters,
M.A.Road, Srinagar.
3. Mr. Karan Dev Singh Kesar,
Chief General Manager,
Jammu and Kashmir Bank
Limited, Zonal Office, Jammu.

Through: - Mr. M. K. Bhardwaj, Sr. Adv. With
Mr. Manik Bhardwaj, Advocate

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

JUDGMENT

1. The petitioner was serving as an Assistant Manager with the J&K Bank at its Pouni Branch, District Reasi. During his

tenure, he was accused of forging the signatures of customers and perpetrating fraudulent transactions with a view to securing wrongful gain for himself and causing corresponding loss to the customers as well as the Bank. It is alleged that, during the period from September 2022 to October 2023, the petitioner defrauded the customers of an amount of Rs. 1,26,34,318/-, which was subsequently classified as fraud. Accordingly, the respondent-Bank reported the matter to the Reserve Bank of India. A further amount of Rs. 30,32,678/- is stated to have been recovered from the accounts of the petitioner and his relatives.

2. The respondent-Bank also set the criminal law in motion by lodging an FIR against the petitioner for the commission of offences punishable under Sections 409, 420, 467, 468, 471, 477-A and 201 of the Indian Penal Code. Upon completion of the investigation, a charge-sheet came to be presented against the petitioner for the aforesaid offences. The petitioner was taken into custody on 28.03.2024 and was subsequently admitted to bail.
3. Simultaneously, the respondent-Bank initiated departmental proceedings against the petitioner. A show-cause notice was initially served upon him, followed by issuance of formal articles of charge. Broadly stated, the allegations in the departmental proceedings are that the petitioner committed acts prejudicial to the interests of the

Bank; misused his official position and committed embezzlement for securing personal gains; manipulated entries in the records of the Bank with a view to concealing the true state of affairs and covering up the irregularities committed by him; and acted with dishonest intention. Such conduct, according to the respondent-Bank, was unbecoming of an officer of the Bank and had brought disrepute to the institution.

4. Through the medium of the present petition, the petitioner seeks, inter alia, issuance of a writ in the nature of mandamus commanding the respondent-Bank not to proceed with the departmental enquiry until conclusion of the criminal proceedings arising out of the charge-sheet titled "UT of J&K v. Ishvinder Singh Ranyal", stated to be pending before the Court of learned Chief Judicial Magistrate, Reasi.
5. The case set up by the petitioner is that the departmental proceedings and the criminal prosecution arise out of the same set of facts and are founded substantially upon the same allegations. It is specifically pleaded that the accusations forming the subject matter of the criminal trial are grave and serious in nature and involve complicated questions of fact and law. According to the petitioner, permitting the disciplinary proceedings to continue during the pendency of the criminal trial would cause serious

prejudice to his defence, inasmuch as participation in the departmental enquiry would compel him to disclose his defence prematurely, which may thereafter be used to his prejudice in the pending criminal proceedings.

6. The principal contention urged on behalf of the petitioner is that where departmental proceedings and criminal prosecution are founded upon the same set of facts and substantially identical allegations, the disciplinary proceedings ought to be deferred until the criminal proceedings are finally concluded, particularly where the criminal charges are grave and involve complicated questions of fact and law.
7. Learned counsel for the petitioner, in support of the aforesaid contention, has placed reliance upon a judgment of the Madhya Pradesh High Court as also upon the decision of the Hon'ble Supreme Court in ***M. Paul Anthony v. Bharat Gold Mines Ltd. and another***, (1999) 3 SCC 679. It is pertinent to notice that this Court, vide order dated 12.03.2025, had directed stay of the departmental enquiry initiated against the petitioner. Thereafter, the respondents repeatedly moved applications seeking vacation of the interim order and early consideration of the matter. It is in these circumstances that the petition has been taken up for final consideration and heard on merits.

8. The respondents have opposed the writ petition. Their preliminary contention is that the issues raised by the petitioner involve disputed questions of fact which would require appreciation and sifting of evidence, an exercise which, according to them, ought not ordinarily to be undertaken by this Court in exercise of its writ jurisdiction. On merits, it is contended that criminal prosecution and departmental proceedings operate in distinct fields and the mere fact that the respondent-Bank itself lodged the FIR does not preclude it from simultaneously pursuing disciplinary proceedings against the petitioner. According to the respondents, the reliance placed by the petitioner upon the judgments cited at the Bar is misconceived and does not advance his case.
9. It is also the specific stand of the respondent-Bank that the articles of charge framed in the departmental proceedings are not identical to the charges forming the subject matter of the criminal prosecution. The Bank claims to have conducted an independent examination of the matter, on the basis whereof it found that the petitioner had misused his official position and committed acts amounting to misconduct under the applicable service regulations. It was on the basis of such material that the disciplinary proceedings were initiated and are presently underway. The pendency of the criminal trial, therefore, does not, according

to the respondents, create any legal embargo upon continuation of the departmental enquiry.

10. Heard the counsel for the parties and perused the record.

The principal issue that arises for consideration in the present petition is whether, during the pendency of the criminal proceedings in which the petitioner is facing trial for offences arising out of the same transaction which has also led to initiation of departmental proceedings against him, the disciplinary enquiry is required to be kept in abeyance until conclusion of the criminal trial. The ancillary question that arises is whether, having regard to the nature, scope and object of the two proceedings, as also the time ordinarily consumed in conclusion of a criminal trial, the petitioner can, as a matter of right, seek stay of the departmental proceedings merely on account of pendency of the criminal prosecution.

11. Before embarking upon the rival arguments, it is necessary to keep in mind the relevant precedents on the subject in ***“Depot Manager, Andhra Pradesh State Road Transport Corporation Vs. Mohd. Yousuf Miya and Ors., AIR 1997 SC 2232***, wherein the appellant had initiated disciplinary proceedings against the respondent on the allegation that, while driving the Corporation’s double-decker vehicle, due to lack of anticipation, he had caused an accident in which a cyclist died. Consequently, action was initiated for

misconduct and an enquiry was ordered. In addition, the prosecution had also launched a criminal trial against him for an offence under Section 304, Part II, IPC. Thereafter, the respondent filed a writ petition before the High Court seeking a stay of the departmental proceedings. The learned single Judge stayed the proceedings, which order was confirmed by the Division Bench. In that way, the matter reached before the Apex Court. Allowing the appeal, the Apex Court while relying upon **“State of Rajasthan Vs. B.**

K. Meena and Ors.” held in Para 8 as under: -

“8. When the original application came up for final hearing, the only ground urged by the respondent was that the departmental proceedings be not allowed to go on so long as the criminal proceedings are pending against him. It was opposed by the State of Rajasthan stating inter alia that inasmuch as the respondent has filed a detailed written statement of defence on 9-2-1993 (in response to memo of charges framed against him) and because the respondent has disclosed all possible defences in the said written statement, there is no occasion or warrant for staying the disciplinary proceedings.”

12. In **“Ajit Kumar Nag Vs. General Manager (P.J.), Indian Oil Corporation Ltd., Haldia and Ors.” AIR 2005 SC 4217**, the appellant was serving in Indian Oil Corporation Ltd. as a Senior Officer and was accused of offence under Sections 147, 149, 341, 323 and 506 of the IPC. Side by side, he was also proceeded with departmental enquiry.

However, the Corporation was yet to take action against him. He filed a writ petition in which ex-parte ad-interim relief was granted, which order was assailed before the Division Bench and was set aside. During the currency of the departmental proceedings as well as the proceedings before the High Court in the criminal case, the appellant was acquitted. Thereafter, the writ petition filed regarding departmental proceedings was ultimately dismissed. The appellant preferred an appeal before the Division Bench, which too came to be dismissed. Thereafter, he approached the Apex Court. Dismissing the appeal, the Apex Court held in para 44 as under:-

“44. In our view, neither the learned single Judge nor the Division Bench has committed any error of law and/or of jurisdiction which deserves interference in exercise of discretionary jurisdiction under Article 136 of the Constitution. As is clear, the situation has been created by the appellant. It was very grave and serious and called for immediate stern action by the General Manager. Exercise of extraordinary power in exceptional circumstances under Standing Order 20 (VI) in the circumstances, cannot be said to be arbitrary, unreasonable or mala fide. It is well-settled that the burden of proving mala fide is on the person making the allegations and the burden is “very heavy”. [vide E.P. Royappa V. State of Tamil Nadu and Anr. MANU/SC/0380/1973: (1974) ILLJ172SC]. There is every presumption in favour of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of mala fide are often more easily made than made out and the

very seriousness of such allegations demands proof of a high degree of credibility. As Krishna Iyer, J. stated in Gulam Mustafa and Ors. V. State of Maharashtra and Ors. MANU/SC/0400/1975: [1976]1SCR875; “It (Mala fide) is the last refuge of a losing litigant”.

13. In **“M. Paul Anthony Vs. Bharat Gold Mines Ltd. and another” (1999) 3 SCC 679**, in this case the appellant was a Security Officer, was found in unauthorised possession of mining sponge gold ball that led to the registration of a criminal case against him. Side by side, there was a departmental enquiry as well. He filed a writ petition before the High Court seeking restraint against the respondent from proceeding with the disciplinary enquiry till the conclusion of the criminal case. The writ petition was disposed of with a direction that the respondent shall consider and dispose of the appellant’s appeal filed against the suspension order.
14. During the currency of the departmental proceedings, the appellant was acquitted in the criminal case on 03.02.1987 with a categorical finding that the prosecution had failed to establish its case beyond reasonable doubt. He brought the judgment of the criminal Court to the notice of the Inquiry Officer with a request that he may be reinstated, which was rejected and he was dismissed from services. He filed a writ petition, which was allowed by the learned single Judge. However, the said judgment was set aside by the Division

Bench, permitting the appellant to file a petition before the Supreme Court. The Apex Court held in paragraph 34 as under: -

“34. There is yet another reason for discarding the whole of the case of the respondents. As pointed out earlier, the criminal case as also the departmental proceedings were based on identical set of facts, namely, “the raid conducted at the appellant’s residence and recovery of incriminating articles therefrom”. The findings recorded by the enquiry officer, a copy of which has been placed before us, indicate that the charges framed against the appellant were sought to be proved by police officers and panch witnesses, who had raided the house of the appellant and had effected recovery. They were the only witnesses examined by the enquiry officer and the enquiry officer, relying upon their statements, came to the conclusion that the charges were established against the appellant. The same witnesses were examined in the criminal case but the Court, on a consideration of the entire evidence, came to the conclusion that no search was conducted nor was any recovery made from the residence of the appellant. The whole case of the prosecution was thrown out and the appellant was acquitted. In this situation, therefore, where the appellant is acquitted by a judicial pronouncement with the finding that the “raid and recovery” at the residence of the appellant were not proved, it would be unjust, unfair and rather oppressive to allow the findings recorded at the ex parte departmental proceedings to stand.”

15. In **“G. M. Tank Vs. State of Gujarat and Ors.” AIR 2006 SC 2129**”, the appellant had joined as an Overseer, who regularly submitted property returns. Later, the Anti

Corruption Bureau carried out an investigation and found that he was in possession of properties beyond his known of income. The Anti Corruption Bureau carried out an investigation and submitted a report and charge-sheet on 20.02.1979 alleging that he had acquired wealth in excess of his income by way of gratification. The appellant denied the allegations. Side by side, a departmental enquiry was ordered, wherein he was found guilty of the charges and was dismissed from service. He filed a writ petition against the dismissal order. The learned Single Judge found that there was sufficient evidence against the appellant and dismissed the petition. Against said order, an LPA was preferred before the Division Bench, which too confirmed the said order. Thereafter, the matter came up before the Apex Court. Considering the law on the subject, the Apex Court set aside the dismissal of the petitioner by holding in paragraphs 15 and 16 as under:-

“15. The judgments relied on by the learned counsel appearing for the respondents are not distinguishable on facts and on law. In this case, the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in a Departmental case against the appellant and the charge before the Criminal Court are one and the same. It is true that the nature of charge in the departmental proceedings and in the criminal case is grave. The nature of the case launched against the appellant on the basis of evidence and material collected against him during

enquiry and investigation and as reflected in the charge sheet, factors mentioned are one and the same. In other words, charges, evidence, witnesses and circumstances are one and the same. In the present case, criminal and departmental proceedings have already noticed or granted on the same set of facts namely, raid conducted at the appellant's residence, recovery of articles therefrom. The Investigating Officer, Mr. V.B. Raval and other departmental witnesses were the only witnesses examined by the Enquiry Officer who by relying upon their statement came to the conclusion that the charges were established against the appellant. The same witnesses were examined in the criminal case and the criminal court on the examination came to the conclusion that the prosecution has not proved the guilt alleged against the appellant beyond any reasonable doubt and acquitted the appellant by his judicial pronouncement with the finding that the charge has not been proved. It is also to be noticed the judicial pronouncement was made after a regular trial and on hot contest. Under these circumstances, it would be unjust and unfair and rather oppressive to allow the findings recorded in the departmental proceedings to stand."

"16. In our opinion, such facts and evidence in the department as well as criminal proceedings were the same without there being any iota of difference, the appellant should succeed. The distinction which is usually proved between the departmental and criminal proceedings on the basis of the approach and burden of proof would not be applicable in the instant case. Though finding recorded in the domestic enquiry was found to be valid by the Courts below, when there was an honourable acquittal of the employee during the pendency of the proceedings challenging the dismissal, the same requires to be taken note of and the decision in **Paul Anthony's case (supra)** will apply. We,

therefore, hold that the appeal filed by the appellant deserves to be allowed.”

16. A single Bench of this Court in **“Akhand Prakash Shahi Vs. Union of India & Anr.”**, in [WP(C) No. 1876/2025 c/w WP(C) No. 3128/2023; D.O.D. 14.11.2025] held as under:

“22. With the aforesaid legal position in mind, let us now advert to the facts of the present case. There is no doubt to the fact that substratum of the criminal case and the departmental enquiry initiated against the petitioner is the complaint lodged by the lady ASI against him. It is also a fact that charge levelled against the petitioner is of a grave nature. But merely because of these factors, it cannot be stated that the departmental proceedings are required to be kept in abeyance till the decision of the criminal case unless it is shown that criminal case against the petitioner, besides being of a grave nature, involves complicated question of law and fact and that continuance of departmental proceedings against the petitioner would prejudice his defence. The allegation of the lady ASI against the petitioner is simple that she was lured by the petitioner into sexual intercourse on the basis of false promise of marriage. The determination of veracity of this allegation by the criminal court or during the departmental proceedings does not involve decision of a complicated question of fact or law. Besides this, defence of the petitioner before the criminal court is not going to be prejudiced in case the departmental proceedings are allowed to go ahead because the petitioner has already disclosed his defence not only in the petitions filed by him before this Court but also in his representations filed by him before the respondents. Even in his bail application filed before the criminal Court, the petitioner has disclosed his defence. Therefore, no prejudice would be caused to the petitioner in case both the criminal case as well as departmental

proceedings are allowed to proceed simultaneously.”

17. Having noticed the aforesaid legal position, this Court now proceed to examine the case of the petitioner on its own facts. As per the charge-sheet presented before the trial Court, the petitioner is accused of having, while functioning as Hall In-charge, dishonestly misappropriated amounts lying in various dormant, inactive or rarely operated accounts, with the intention of appropriating the illegally withdrawn amounts to his own use. Upon conclusion of the investigation, the investigating agency found material warranting prosecution of the petitioner for the commission of offences punishable under Sections 409, 420, 467, 468, 471, 477-A and 201 IPC.
18. The material placed on record further reveals that the alleged fraud came to the notice of the respondent-Bank in November 2023 during the course of an internal audit. It is alleged that, after the irregularities began to surface, the petitioner started depositing amounts towards the money allegedly misappropriated by him, including through his loan accounts and with funds arranged from his friends. By the time the alleged fraud came to be fully detected, an amount of Rs. 29,75,000/- had reportedly been recovered. During investigation, it was further found that the petitioner had allegedly prepared forged vouchers and used the same

for effecting unauthorised withdrawals and misappropriation of funds. The questioned vouchers were subjected to forensic examination by comparison with the admitted specimen writings/signatures, and the forensic opinion is stated to have attributed the preparation and execution of the questioned documents to the petitioner.

19. The petitioner, thus, stands charge-sheeted before the competent criminal Court and, simultaneously, is also facing departmental proceedings. As per the criminal charge-sheet, as many as 185 allegedly unauthorised transactions have been attributed to the petitioner, out of which 123 transactions are stated to involve misappropriation of funds. It is alleged that the petitioner illegally transferred the amounts in question, thereby securing wrongful gain for himself and causing corresponding wrongful loss to the account holders and/or their nominees.
20. Simultaneously, articles of charge have been served upon the petitioner in the departmental proceedings. The substance of the allegation is that the petitioner forged the signatures of deceased customers and prepared fraudulent vouchers for securing wrongful gain to himself, thereby indulging in acts amounting to breach of trust and misappropriation. On the basis of these allegations, the

petitioner has been charged with the following acts of misconduct:

- (i) doing acts prejudicial to the interests of the Bank;
- (ii) embezzlement or misuse of official position or powers for personal gain;
- (iii) manipulation of entries in the records of the Bank with a view to concealing the actual position or covering up irregularities with dishonest motive; and
- (iv) acting in a manner unbecoming of an officer of the Bank.

21. There is no serious dispute that the transactions which constitute the substratum of the criminal prosecution also form the factual foundation of the departmental proceedings. That, however, does not mean that the charges in the two proceedings are identical in their nature or legal character. In the criminal trial, the petitioner is being prosecuted for specific offences relating, inter alia, to criminal breach of trust, cheating, forgery, use of forged documents and falsification of accounts. The departmental proceedings, on the other hand, are concerned with whether, by his acts and omissions, the petitioner acted prejudicially to the interests of the Bank, misused his official position for personal gain, manipulated the Bank's records and otherwise conducted himself in a manner unbecoming of an officer.

22. The principal plea of the petitioner is that since the criminal prosecution and the departmental proceedings arise substantially out of the same set of facts, continuation of the departmental enquiry during the pendency of the criminal

trial is impermissible. The contention, in the considered view of this Court, proceeds on an erroneous understanding of the settled legal position. The law does not lay down any absolute rule that whenever a criminal prosecution and departmental proceedings arise out of the same transaction, one must necessarily await the conclusion of the other. On the contrary, the settled position is that both proceedings may ordinarily continue simultaneously, unless the facts of a particular case disclose circumstances warranting deferment of the disciplinary proceedings.

23. Learned counsel for the petitioner has sought to bring the case within the exception by contending that participation in the departmental enquiry would compel the petitioner to disclose his defence, thereby causing prejudice to him in the pending criminal trial. Reliance in this regard has principally been placed upon *M. Paul Anthony v. Bharat Gold Mines Ltd. and another* (supra). The factual setting in *M. Paul Anthony*, however, deserves to be noticed. In that case, the departmental proceedings and the criminal prosecution rested upon a raid and the consequential recovery of certain incriminating articles. The criminal Court, upon appreciation of the evidence, disbelieved the very raid and recovery forming the foundation of the prosecution. In those peculiar circumstances, the result of the criminal proceedings had a direct bearing upon the sustainability of

the disciplinary action founded upon the same evidence. The principle enunciated therein cannot, therefore, be understood as laying down an inflexible rule requiring stay of disciplinary proceedings whenever a criminal prosecution arising from the same factual background is pending.

24. A Coordinate Bench of this Court, while dealing with a similar contention that continuation of departmental proceedings would prejudice the defence of the delinquent employee in the pending criminal trial, declined to accept such a proposition as an absolute rule. In that case, the allegation against the petitioner therein was that he had induced the complainant to enter into a physical relationship on the basis of a false promise of marriage. The Coordinate Bench found that determination of the veracity of the allegations, whether in the departmental proceedings or in the criminal trial, did not involve such complicated questions of fact or law as would justify keeping the departmental proceedings in abeyance. The contention that the delinquent employee would be compelled to disclose his defence was also found to be without substance, particularly as his defence had already been disclosed in the bail proceedings as well as in the pleadings before the Court. The plea of prejudice was, accordingly, rejected. The judgment of the learned Single Judge was subsequently upheld by the

Division Bench of this Court in LPA No. 275/2025, decided on 11.12.2025.

25. Applying the aforesaid principles to the case at hand, there can be no dispute that the nature, object and standard of proof governing the two proceedings are distinct. The criminal case against the petitioner revolves around allegations of fraudulent entries in the account books, preparation and use of forged vouchers, unauthorised withdrawals from dormant or inactive accounts and alleged dishonest appropriation of the amounts so withdrawn. These acts are alleged to constitute criminal offences for which the petitioner is facing trial. The same transactions may also furnish the factual foundation for the departmental proceedings, but the enquiry therein is essentially directed towards determining whether the petitioner's conduct constitutes misconduct under the applicable service regulations. Mere commonality of the underlying facts, therefore, cannot by itself constitute sufficient ground for staying the departmental enquiry.
26. Significantly, there is no specific foundation laid in the petition to demonstrate that continuation of the departmental proceedings would result in any real or demonstrable prejudice to the petitioner's defence in the criminal trial. Nor is it the petitioner's pleaded case that the disciplinary proceedings have been initiated in violation of

the prescribed procedure or are otherwise vitiated by any jurisdictional infirmity. The expression “complicated questions of fact and law” cannot be invoked as a mere incantation. The delinquent employee seeking deferment of disciplinary proceedings must demonstrate, with reference to the nature of the criminal charge, the evidence likely to be led and the defence required to be disclosed, as to how continuation of the departmental proceedings would materially prejudice the criminal trial. No such foundation has been laid in the present case.

27. Whether continuation of disciplinary proceedings is likely to seriously prejudice the defence of an accused in a pending criminal trial is, ultimately, a question that must be determined on the facts and circumstances of each case. In ***Depot Manager, Andhra Pradesh State Road Transport Corporation v. Mohd. Yousuf Miya and others*** (*supra*) the delinquent employee was facing criminal prosecution for offences under Sections 304-A and 338 IPC and was simultaneously subjected to departmental proceedings. The contention that continuation of the disciplinary proceedings would prejudice his defence in the criminal case was not accepted, and the stay granted by the High Court against the departmental proceedings was vacated.
28. The principle enunciated therein applies with considerable force to the present case. On the other hand, the reliance

placed by the petitioner upon **M. Paul Anthony (supra)** is misplaced, the said decision having been rendered in its own peculiar factual setting. The apprehension expressed by the petitioner that disclosure of his defence in the departmental proceedings would prejudice the criminal trial remains, in the absence of any specific factual foundation, merely speculative.

29. There is yet another important distinction which cannot be overlooked. In departmental proceedings, the charge of misconduct is required to be established on the touchstone of preponderance of probabilities, whereas in a criminal trial the prosecution carries the substantially higher burden of proving the charge beyond reasonable doubt. The rules of evidence applicable to a criminal trial also do not apply with the same rigour to disciplinary proceedings. An outcome in one proceeding, therefore, does not necessarily dictate the outcome in the other.
30. The distinction between the two proceedings has also been reiterated by the Hon'ble Supreme Court in **State of Karnataka and others v. Umesh, 2022 SCC Online SC 345**. In that case, the employee had been prosecuted for offences under the Prevention of Corruption Act, 1988 and was acquitted upon being extended the benefit of doubt. The Supreme Court reiterated that while the object of a criminal trial is to determine criminal culpability and, upon

conviction, impose punishment prescribed by law, disciplinary proceedings are intended to determine whether the conduct of an employee amounts to misconduct warranting imposition of a penalty under the applicable service rules. The two proceedings, therefore, serve distinct purposes and are governed by different standards.

31. Viewed in the light of the aforesaid principles, the apprehension expressed by the petitioner that disclosure of his defence in the departmental proceedings would prejudice him in the criminal trial is unsupported by any tangible material. The petitioner has failed to demonstrate that the criminal case involves such complicated questions of fact and law, or that the nature of his proposed defence is such, that continuation of the departmental enquiry would cause serious and irretrievable prejudice to him in the criminal trial.
32. No doubt, the factual matrix underlying both proceedings substantially overlaps. That circumstance alone, however, is insufficient to interdict the disciplinary proceedings. The criminal Court would be concerned with determining whether the acts attributed to the petitioner satisfy the ingredients of the penal offences alleged against him and whether the prosecution has established those offences beyond reasonable doubt. The disciplinary authority, on the other hand, is concerned with determining whether the

petitioner's conduct, viewed in the context of his duties and obligations as an officer of the Bank, constitutes misconduct under the applicable service regulations. The two proceedings thus operate in distinct spheres notwithstanding that some of the evidence and underlying transactions may overlap.

33. In view of the foregoing discussion, this Court is unable to find any exceptional circumstance warranting interference with the departmental proceedings or requiring the respondent-Bank to keep the same in abeyance until conclusion of the criminal trial. The petitioner has failed to establish any real or demonstrable prejudice which would be occasioned to his defence in the criminal proceedings by continuation of the departmental enquiry. The writ petition, being devoid of merit, is accordingly **dismissed**. The interim direction(s), if any, operating in the matter shall stand vacated.

(Sanjay Parihar)
Judge

JAMMU
06.08.2026
Diksha

Whether the judgment is speaking: Yes
Whether the judgment is reportable: Yes