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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5561 of 2026

Piyush Sharma S/o Late Jagdish Prasad Sharma, Aged About 36 Years R/o Ward No. 11, In Front Of Ara Mill, Tarri, P. S. Gobra Nawapara, District Raipur, Chhattisgarh Presently Posted As Constable, Police Reserve, District Mahasamund, Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Home Affairs, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur (C.G.)

2 - Superintendent Of Police , District Mahasamund, Chhattisgarh.

3 - Sub-Divisional Officer (Police), Saraipali, District Mahasamund. Chhattisgarh.

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s) : Ms. Nupur Trivedi, Advocate

For Respondent(s) : Shri Anadi Sharma, Panel lawyer

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

23.07.2026

1. The petitioner has preferred this writ petition seeking following reliefs :-

"10.1. That, the Hon'ble Court may kindly be pleased to call for the entire records of the case from the respondent authorities.

10.2. That, this Hon'ble Court may kindly be pleased to set- aside/quash the impugned memorandum of charges dated 14.04.2026 (Annexure P/1) issued against the petitioner and any further proceedings of departmental enquiry may kindly be stayed till the final disposal of Special Criminal Case NDPS no. 18/2026 pending before the Special Judge (N.D.P.S. Act), Mahasamund, Chhattisgarh in the interest of justice.

10.3. That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case."

2. The petitioner, a Constable in the Police Department, has filed the present writ petition under Article 226 of the Constitution of India challenging the memorandum of charges dated 14.04.2026 issued by the disciplinary authority and seeking

stay of the departmental enquiry till conclusion of Special Criminal Case (NDPS) No.18/2026 pending before the learned Special Judge (NDPS Act), Mahasamund.

3. Learned counsel for the petitioner submits that both the departmental enquiry and the criminal prosecution arise out of the same incident and are based on identical facts, common witnesses and overlapping evidence. It is contended that continuation of the departmental enquiry would seriously prejudice his defence in the pending criminal trial.
4. Learned State counsel oppose the petition contending that the departmental proceedings have been initiated to examine the petitioner's misconduct under the Police Regulations and the Chhattisgarh Civil Services (Conduct) Rules, whereas the criminal prosecution is for determination of his criminal liability under the NDPS Act. It is further submitted that the charges in both proceedings are distinct and, therefore, there is no legal bar to continuation of the departmental enquiry simultaneous to the criminal proceedings.
5. I have heard learned counsel for the parties and perused the documents annexed with the petition.

6. The Hon'ble Supreme Court in ***Stanzen Toyotetsu India (P) Ltd. v. Girish V. and Others, (2014) 3 SCC 636***, after referring to its earlier decisions in ***Depot Manager, A.P. State Road Transport Corporation v. Mohd. Yousuf Miya, (1997) 2 SCC 699***, ***Karnataka State Road Transport Corporation v. M.G. Vittal Rao, (2012) 1 SCC 442***, and ***Capt. M. Paul Anthony v. Bharat Gold Mines Ltd., (1999) 3 SCC 679***, held that it is fairly well settled that there is no legal bar to the conduct of disciplinary proceedings and a criminal trial simultaneously. The Hon'ble Supreme Court thereafter observed in paragraph 16 as under:

"16. Suffice it to say that while there is no legal bar to the holding of the disciplinary proceedings and the criminal trial simultaneously, stay of disciplinary proceedings may be an advisable course in cases where the criminal charge against the employee is grave and continuance of the disciplinary proceedings is likely to prejudice their defence before the criminal court. Gravity of the charge is, however, not by itself enough to determine the question unless the charge involves complicated question of law and fact. The court examining the question must also keep in mind that criminal trials get prolonged indefinitely. The court has, therefore, to draw a balance between the need for a fair trial to the accused on the one hand

and the competing demand for an expeditious conclusion of the ongoing disciplinary proceedings on the other. An early conclusion of the disciplinary proceedings has itself been seen by this Court to be in the interest of the employees."

7. In the light of the aforesaid principles, this Court proceeds to examine the facts of the present case. Although certain witnesses are common, the Articles of Charge framed in the departmental enquiry are not identical to the charges involved in the criminal case. The departmental proceedings have been initiated to examine the petitioner's conduct in relation to alleged negligence in discharge of official duties, misconduct under the Police Regulations and the Chhattisgarh Civil Services (Conduct) Rules, 1965, and unauthorized absence from duty, whereas the criminal prosecution is confined to determination of the petitioner's criminal liability under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The charges in the criminal case do not involve such complicated questions of law and fact as would justify staying the departmental proceedings. Mere commonality of certain witnesses that both proceedings arise out of the same incident is, by itself,

not a sufficient ground to stay the disciplinary enquiry, as the scope, object and standard of proof governing the two proceedings are distinct. The petitioner has failed to establish that continuation of the departmental enquiry would seriously prejudice his defence in the criminal trial or that both proceedings are founded on identical charges warranting interference by this Court.

8. Accordingly, this Court finds no merit in the writ petition. The petitioner has failed to make out any case for quashing the charge memorandum dated 14.04.2026 or for staying the departmental enquiry during the pendency of Special Criminal Case (NDPS) No.18/2026.
9. Consequently, the writ petition, being devoid of merit, is dismissed.

sd/-

(Bibhu Datta Guru)
Judge

Shoaib