



2026:AHC:86394

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3551 of 2026

Manoj Kumar Yadav

.....Petitioner(s)

Versus

Union Of India And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Alok Kumar Yadav, Rajesh Kumar Yadav, Sr. Advocate
Counsel for Respondent(s)	: A.S.G.I., Shiv Kumar Pal

**Reserved on 31.03.2026
Delivered on 20.04.2026**

Court No. - 34

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri R.K. Ojha, learned Senior Counsel assisted by Sri Rajesh Kumar Yadav, learned counsel for the petitioner and Sri Shiv Kumar Pal, Deputy Solicitor General of India appearing for the respondents.

2. The Instant petition has been filed seeking quashing of the impugned order dated 27.02.2026 and a direction to the respondent-Authorities to suspend the departmental proceeding initiated in pursuance of the impugned order dated 27.02.2026 passed by the respondent no.2, till the disposal of the trial of CNR No. BRPA010000092026 pending in the Court of DJ Div. Patna Sadar.

3. Briefly stated facts of the case are that the petitioner was selected as Sub-Inspector in Railway Protection Force (RPF) in the year 1998 and thereafter he was promoted as Inspector in the year 2011 and posted at several places. At present he is posted as Inspector, Passenger Security, East Central Railway Zone, Office of Senior Divisional Security Commissioner at Pdt. Deen Dayal Upadhyaya, District Chandauli. Prior to it, the petitioner was posted and working as Inspector, RPF, Rail Thana, Navgachhiya, Bhagalpur, Bihar. While such posting of the petitioner at Rail Thana, Navgachhiya, Bhagalpur, on 30.10.2025, the CBI registered an FIR No. RC0232025A0030 under Section 7 of

Prevention of Corruption Act, 1988 at Police Station CBI/ACB/Patna. In connection of the said FIR, the petitioner herein was arrested and he was enlarged on bail by the CBI Court on 12.01.2026 and in the meanwhile, the petitioner herein was transferred to Chandauli on 02.01.2026. The petitioner joined his services on 10.02.2026 as Inspector, Passenger Security at Chandauli. After registration of the said FIR by the CBI, the charge sheet was also issued by the disciplinary authority against the petitioner on 19.11.2025. According to the petitioner, the same has been duly served upon the petitioner on 23.01.2026. In the aforesaid criminal case lodged against the petitioner, the charge sheet has been filed after completion of the investigation. Thereafter, the petitioner moved an application on 26.02.2026 before the Senior Divisional Security Commissioner/R.P.F. East Central Railway/DDU Div. and again on 27.02.2026 before the Assistant Security Commissioner/RPF, East Central Railway/DDU-cum-Enquiry Officer with prayer that till the disposal of the criminal trial, the disciplinary proceedings be kept in abeyance and vide impugned order dated 27.02.2026, the disciplinary authority rejected the prayer made by the petitioner for keeping in abeyance the disciplinary proceeding till the conclusion of the trial in the criminal proceedings.

4. Learned Senior Counsel appearing for the petitioner relying upon the judgment of Apex Court in **Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd. and another, 1999 (3) SCC 679**, submits that if the departmental proceedings and the criminal case are based on identical charges and the charge in the criminal case against the delinquent employee is of a grave nature, which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case, as the disclosure of his defense in the disciplinary proceeding may prejudice the criminal trial against the petitioner. Learned Senior Counsel has further relied upon the judgment of Apex Court in **State Bank of India and others vs. Neelam Nag and another (2016) 9 SCC 491**, wherein the disciplinary proceedings were stayed until the closure of recording of evidence of prosecution witnesses cited in the criminal trial. Thus, learned Senior Counsel for the petitioner submits that the disciplinary proceedings instituted against the petitioner

should be stayed till the prosecution evidence is over in the criminal trial lodged against the petitioner for the identical allegations.

5. Per contra, Shri Shiv Kumar Pal, learned Deputy Solicitor General of India submits that in the judgment of Capt. M. Paul Anthony (*supra*) relied upon by the learned Senior Counsel for the petitioner, the Apex Court itself has cautioned that due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed. The fate of the criminal trial is uncertain and the period how much time it will take is not known. Therefore, the disciplinary proceedings cannot be kept in abeyance for indefinite period. It is further submitted by learned Deputy Solicitor General of India that the allegations in the instant case are very grave in nature against the petitioner. The petitioner was caught red-handed while taking bribe. Therefore, continuance of the petitioner in service with the aforesaid tainted allegations for indefinite period, is not feasible and public will lose the confidence and it will also provide opportunity to the petitioner to repeat the similar incidents that will be prejudicial to the interest of public at large. Thus, it is submitted by the learned Deputy Solicitor General of India that it is settled position of law that the criminal trial as well as the criminal proceeding shall operate in different spheres. Thus, learned counsel for the respondents seeks dismissal of the instant petition.

6. Having heard the rival submissions so made by learned counsel for the parties, this Court has carefully gone through the entire record of the case. From perusal of the record, it is apparent that the petitioner herein was caught red-handed while taking bribe from the persons, whom he has permitted to cultivate the land belonging to the railways and he was arrested on the spot by the Anti-Corruption Bureau and a criminal case was lodged against the petitioner. Thereafter, disciplinary proceeding was also initiated for the similar allegations against the petitioners and the charge sheet has also been issued on 29.11.2025 which has been admittedly served upon the petitioner on 23.01.2026. Accordingly, the petitioner has sought stay of the disciplinary proceedings against him, which has been declined by the department. The Apex Court in ***M. Paul Anthony (supra)*** has laid down the following guidelines, which deals with such situations and the conclusions drawn by the Apex Court in the

said judgment are as under:

"22. The conclusions which are deducible from various decisions of this Court referred to above are:

(i) Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.

(ii) If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.

(iii) Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge sheet.

(iv) The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the Departmental proceedings but due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.

(v) If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, administration may get rid of him at the earliest."

7. In the aforesaid judgment, the Apex Court has categorically observed that there is no bar in simultaneous proceedings in the departmental proceedings as well as the criminal proceedings. However, it has been observed that if there are identical and similar facts and charge in criminal case against the delinquent employee is of grave nature, which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings. From the aforesaid judgment itself, it is apparent that it is not mandatory in each and every case that the departmental proceedings should be stayed. Before passing any order of

staying the departmental proceedings, it has to be kept in due regard that the departmental proceedings cannot be unduly delayed. It has been further observed by the Apex Court that if the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, administration may get rid of him at the earliest in the public interest.

8. Thus, from the aforesaid judgment of the Apex Court, the primary consideration is to balance that the right of such delinquent employee is not affected due to the defence taken by him in the disciplinary proceedings and it has also to be seen that the disciplinary proceedings are not unduly delayed. In the light of the aforesaid consideration, the Apex Court has further observed that if a criminal proceeding is unduly delayed that may itself be a good ground for going ahead with the disciplinary enquiry.

9. Having regard to the facts and circumstances of the case, in the criminal case the charge sheet has already been filed and trial is proceeded and the disciplinary proceedings are also pending.

10. In view thereof, the instant petition is ***disposed of*** with a direction that the disciplinary proceedings against the petitioner shall remain stayed for a period of one year from today or till the conclusion of the prosecution evidence, whichever is earlier. On conclusion of the prosecution evidence or on expiry of period of one year from today, the disciplinary proceedings shall resume against the petitioner and shall be concluded in accordance with law at the earliest.

(Anish Kumar Gupta,J.)

April 20, 2026

Ashish Pd.