

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16741 of 2016 (O/M)
Date of decision : 19.8.2016

Baljeet Singh Petitioner (s)
Versus
State of Haryana and another Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sukesh K. Jindal, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner retired as Social Welfare Officer, Karnal, on 30.6.2014. Three FIRs i.e. FIR Nos. 112, 113 and 114, dated 23.2.2015, have been registered at Police Station Civil Lines, Karnal, under Sections 420, 467, 468, 471, 120-B IPC, against the petitioner and some other ineligible beneficiaries. The challans in the said three cases have been presented before the concerned learned Judicial Magistrate 1st Class and in one of the cases, charges have been framed. The department has also chargesheeted the petitioner under Rule 2.2 (b) of the Punjab Civil Services Rules, Volume-II read with Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 on 21.10.2015. The inquiry officer has been appointed as the departmental inquiry has been started.

The plea of the learned counsel for the petitioner is that the allegations in the criminal cases as well as in the departmental proceedings are same. The same witnesses are to be examined. Therefore, the case of the petitioner will be prejudiced, if the departmental proceedings continue.

The learned counsel for the petitioner has relied upon the

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authority of the Hon'ble Supreme Court of India in Capt. M. Paul Anthony Versus Bharat Gold Mines Limited, 1999 (1) CLR 1032, wherein certain principles were culled out from the case law, which are reproduced as under and which has also been reiterated by the Hon'ble Supreme Court of India in M/s Stanzen Toyotetsu India P. Ltd. Versus Girish V and others, 2014 (2) SCT 26 as well as by this Court in Ved Parkash Versus State of Haryana and others, 2007 (4) SCT 423 :-

“21. 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 in (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

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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.”

After going through the said authorities, I am of the view that there is no bar on simultaneous departmental proceedings and the proceedings in the criminal case. It depends on the facts of each case. Here, the allegations are of cheating of rupees seven crores by granting pension to the ineligible pensioners and duping the Government.

I am of the view that usually the trial in such offences, where a large number of accused are involved, takes a very long time. Then, there is appeal against the said judgment by all or any of the accused or State and further revision before this Court. That would mean that if the departmental proceedings are stayed that will never see the light of the day. In the given circumstances, this Court does not find any ground to stay the departmental proceedings against the petitioner. If the petitioner has any objection, he can always raise the same during the inquiry.

The present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

19.8.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No