

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.22002 of 2017
Date of Decision: September 26, 2017

Jitender Kumar

...Petitioner

Versus

Union of India, through the Secretary to Government of India, Ministry of
Defence, New Delhi & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AJAY KUMAR MITTAL
HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr.Rohit Sharma, Advocate,
for the petitioner.

AMIT RAWAL, J.

1. The petitioner has assailed the order dated 11.9.2017 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench (for short "CAT") dismissing O.A.No.060/01073/2017, wherein challenge was to the order dated 28.8.2017, Annexure A-1 (Annexure P-2 in the present writ petition), whereby application dated 23.8.2017 seeking stoppage of the departmental enquiry during the pendency of the trial owing to the registration of an FIR bearing No.216 dated 15.12.2015 under Sections 325 and 506 IPC, was dismissed.

2. Mr.Rohit Sharma, learned counsel for the petitioner submitted that the police authorities, on the basis of a complaint made by Parkash Chand, registered the FIR aforementioned. In the said FIR, the applicant-petitioner was arrested on 17.12.2015, but released on bail on the same very day. The challan in the criminal case has been submitted and the matter is

listed for prosecution evidence. There are total fourteen prosecution witnesses, out of which statements of seven witnesses have already been recorded. However, the petitioner was served with a charge-sheet dated 30.9.2016 (Annexure A-3). Dissatisfied with the reply filed by the petitioner denying all the allegations, an Enquiry Officer in this regard has been appointed. The authorities started disciplinary proceedings against the petitioner, which would prejudice the trial as the petitioner shall be compelled to disclose the defence.

3. Learned counsel for the petitioner further argued that the CAT has not appreciated the fact that the identical charges cannot run simultaneously. The authorities are required to wait for the outcome of the FIR by keeping the departmental proceedings in hold and, thus, urged this Court for modifying the order of the CAT by issuing direction to the respondent-department to keep the enquiry proceedings in abeyance.

4. We have heard the learned counsel for the petitioner, appraised the paper book and are of the opinion that the view expressed by the CAT by relying upon various judgments of the Apex Court and other High Courts that the departmental proceedings and criminal proceedings can continue simultaneously is correct. In other words, there is no bar to continuance of disciplinary proceedings during the pendency of the FIR.

5. As noticed hereinbefore, it is settled law that the enquiry proceedings and the criminal proceedings can go simultaneously. Out of fourteen prosecution witnesses, seven have already been examined. The petitioner would be at liberty to seek the expeditious disposal of the trial, but cannot be permitted to stall the disciplinary proceedings. That being the pith and substance of the order of the CAT, no fault is noticed therein.

6. For the reasons stated above, the order of the CAT cannot be termed to be perverse. No ground for interference is made out. Resultantly, the writ petition stands dismissed.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AMIT RAWAL)
JUDGE**

**September 26, 2017
ramesh**

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No