

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 3693 OF 2018**

1. Rajesh Kumar Kurrey S/o Shri Vashudev Kurrey Aged About 26 Years Occupation Service , Police Constable R/o Village Udka Post Office And Police Chowki Fastarpur Police Station Mungeli District Mungeli Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary Home Department Mahanadi Bhawan Mantralay New Raipur District Raipur Chhattisgarh.
2. The Director General of Police Headquarter (P H Q) Near Mahanadi Bhawan Mantralay, New Raipur District Raipur Chhattisgarh.
3. The Superintendent of Police Bemetara District Bemetara Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Dharendra Pandey, Advocate.
For Respondent-State	:	Shri SP Kale, Deputy A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16.05.2018**

1. The grievance of the petitioner in the instant case is that the petitioner is being simultaneously proceeded both in the criminal case as also in the department enquiry. That, the nature of misconduct/charge sheet issued before the two forums are identical and the witnesses to be examined also are similar. Therefore, the departmental enquiry for the moment may be kept in abeyance till the criminal case is decided finally.
2. This court is of the opinion that prima facie the petitioner has made out a strong case as the nature of allegations made against the petitioner in the criminal case as well as in the departmental enquiry are the same and much prejudice would be caused in criminal case if the witnesses and evidence is disclosed before the departmental enquiry. Therefore, pending the criminal case before the authorities,

the departmental enquiry against the petitioner would be kept in abeyance by the respondents.

3. With the aforesaid observations, the writ petition stands disposed of. Needless to mention that the respondents would be entitled to proceed further in the departmental enquiry in accordance with rules on the basis of the outcome of the criminal case.

Sd/-
(P. Sam Koshy)
Judge