

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3747 of 2018

Lalit Kerketta S/o Shri Nestor Kerketta, Aged About 39 Years,
Occupation Service, Police Head Constable R/o Maharpara, Bemetara,
Police Station Bemetara District- Bemetara, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Home Department Mahanadi Bhawan Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. The Director General Of Police, Headquarter (PHQ), Near Mahanadi Bhawan Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
3. The Superintendent Of Police, Bemetara, District- Bemetara, Chhattisgarh.

---Respondents

For petitioner	:	Shri Dheerendra Pandey, Advocate.
For State	:	Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/05/2018

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 departmental 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 the 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

Sumit