

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.8666 of 2019 (O&M)

Date of Decision.22.08.2019

Anil Kumar

...Petitioner

Vs

State of Haryana and others

...Respondents

Present: Mr. Suresh Ahlawat, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Petitioner invoked the jurisdiction of this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari, quashing order dated 18.05.2018 (Annexure P-4) and 27.02.2019 (Annexure P-7) whereby departmental proceedings have been allowed to be continued during pendency of criminal proceedings in case FIR No.7 dated 29.03.2017 under Sections 7, 13 of Prevention of Corruption Act, Police Station, SVB Gurugram.

Learned counsel for petitioner submits that in both departmental and criminal proceedings, most of the witnesses are common/identical. In case the witnesses are examined in departmental proceedings, then it will affect their rights in defending the criminal proceedings. He relies upon notice of motion order dated 01.03.2013 passed in CWP No.3516 of 2013 titled as "Satbir Singh V/s State of Haryana and others", whereby departmental proceedings were ordered to be kept in abeyance.

Keeping in view the aforementioned facts and circumstances, I deem it appropriate to dispose of the present writ petition with a direction to the Department not to examine the common/identical witnesses, until and unless, they examined in the criminal proceedings first, whereas the departmental proceedings qua other set of witnesses, may continue.

It is made clear that in case petitioner is found to be involved in delaying tactics in cross-examination of same set of the witnesses in the criminal proceedings, this order will not come in the way of the department to examine the said witnesses.

(AMIT RAWAL)
JUDGE

August 22, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No