

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.19658 of 2019
Date of decision:22.07.2019

Durgesh Dutt Sharma

... Petitioner

Vs.

Dakshin Haryana Bijli Vitran Nigam and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Pawan Kumar, Senior Advocate with
Mr. Abhimanyu Batra, Advocate
Mr. Surya Kumar Advocate and
Ms. Rajni Gupta, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Notice of motion.

On asking of the Court, Mr. Deepak Manchanda, Advocate, who is present in Court, accepts notice on behalf of the respondents.

The petitioner has invoked the jurisdiction of this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari*, quashing order dated 05.03.2019 (Annexure P-1), vide which sanction to prosecute the petitioner has been granted without following the procedure as provided under Section 19 of Prevention of Corruption Act, 1988.

Learned senior counsel for the 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 the 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 “*Sathir 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 delaying 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.

With regard to other relief vis-a-vis obtaining of superannuation, petitioner is at liberty to take all pleas at an appropriate stage either at the time of enquiry or at the final stage.

(AMIT RAWAL)
JUDGE

July 22, 2019
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No