

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.26991 of 2019
Date of decision:23.09.2019**

Karambir

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Satyavir Singh Yadav, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Challenge in present writ petition is to the show cause notice dated 29.08.2019 (Annexure P-3) whereby punishing authority called upon petitioner to file written statement on receipt of regular departmental enquiry.

Mr. Satyavir Singh Yadav, learned counsel appearing on behalf of the petitioner submits that FIR No.393 dated 16.08.2019 under Section s 457 and 380 of Indian Penal Code has been registered against the petitioner which is stated to be pending. The punishing authority could not proceed further in the departmental proceedings when Criminal Court is seized of the matter. It would have far reaching affect.

I have heard learned counsel for the petitioner, appraised the paper book and of view that there is no force and merit in the submission of Mr. Yadav in view of the latest judgment of Hon'ble Supreme Court in

Shashi Bhushan Prasad Versus Inspector General, Central Industrial Security Force and others 2019(7) Supreme Court Cases 797 holding the continuous proceedings permissible in law. There could have been some force in the argument of Mr. Yadav, had he come earlier, apprehending the examination of star witnesses prior in time in the department proceedings and that stage is over. Even otherwise, petitioner has an independent remedy, in case department is not satisfied with the reply regarding information of any pendency.

Accordingly, writ petition is dismissed.

(AMIT RAWAL)
JUDGE

September 23, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No