

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.115

CWP-554-2021 (O&M)
Date of decision : 12.1.2021

Inderjit Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.S. Swaich, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner was posted as land acquisition Clerk in Fatehgarh Sahib at the relevant time. A complaint was made by a land-owner that compensation to be paid to her was embezzled by him in collusion with other persons. For this purpose, the documents submitted by her were tampered with and an account was opened in Bank of Maharashtra, where, the compensation was deposited instead of depositing the same in the account of the complainant in Central Bank of India. Consequently, FIR No.97 dated 18.10.2019 has been registered against the petitioner, in which, investigation is in progress. Meanwhile, a departmental enquiry has also been initiated. The petitioner has submitted a representation dated 3.12.2020 (Annexure P-15) to the Commissioner, Patiala Division, requesting him to stay the departmental proceedings pending the conclusion of the criminal trial, by placing reliance upon the law laid down by the Supreme Court of India. He has also prayed for transfer of departmental proceedings to a district other than Fatehgarh Sahib as he alleges that the Inquiry Officer is biased.

Learned counsel for the petitioner is justified in contending that during the pendency of a criminal trial, departmental proceedings on the same set of allegations should normally be stayed.

However, since a representation is pending before respondent No.3, I deem it appropriate in the first instance to direct him decide the same.

Notice of motion.

Mr. D.S. Sukarchakia, DAG, Punjab, accepts notice and waives service.

In view of the nature of the order being passed, there is no necessity to seek a written statement.

The petition is disposed of with direction to respondent No.3 to consider the pending representation dated 3.12.2020 (Annexure P-15) in accordance with rules and law and to decide the same by passing a speaking order, within a period of four weeks from the date of receipt of certified copy of this order. Till then, enquiry proceedings shall remain stayed.

(SUDHIR MITTAL)
JUDGE

12.1.2021

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No