

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

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**CWP-7615-2021 (O&M)
Date of decision:06.04.2021**

SANDEEP

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vineet Kumar Jakhar, Advocate,
for the petitioner.

Ms. Kirti Singh, Deputy Advocate General, Haryana.

ANIL KSHETARPAL, J.

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner through this writ petition, prays for issuance of a writ in the nature of mandamus directing the respondents not to initiate any disciplinary proceedings/departmental inquiry till the culmination of the trial in FIR No.275, dated 09.11.2020, registered under Section 13(1) and 13(2) of the Prevention of Corruption Act, 1988 and Section 120-B, 409, 420, 465, 467, 468, 471, 477-A IPC, at Police Station Dadri City, District Charkhi Dadri.

After having heard learned counsel for the petitioner, this Bench is of the view that no mandamus can be issued against an employer to stay the disciplinary proceedings merely on account of pendency of a criminal trial. In case there are parallel proceedings, the only protection available to the employee is that he cannot be forced to disclose his defence

which he is likely to take in the criminal trial. As and when that stage comes, the petitioner shall be at liberty to move an application before the Inquiry Officer.

Hence, the writ petition is disposed of.

06.04.2021
Ayub/nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No