

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

**Date of Decision :24.03.2022
LPA No.239 of 2022 (O&M)**

Paramjit Kaur

.....Appellant

Versus

Punjab and Sind Bank and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr.R.K.Arora, Advocate
for the appellant.

Mr. R. Kartikeya, Advocate
for caveator-respondent No.3.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This appeal has been filed by the appellant being aggrieved by an order and judgment dated 02.02.2022, passed by the learned Single Judge in CWP No.4764 of 2019, whereby the petition filed by the petitioner, praying for quashing the impugned orders dated 28.01.2019 and 31.01.2019, vide which her prayer for staying the departmental proceedings, till the conclusion of criminal case against her, pursuant to FIR No.50 dated 24.03.2018, under Sections 409 and 420 of IPC, has since been dismissed.

The learned Single Judge, after taking into consideration the facts of the case as well as the decision of the Supreme Court, relied upon

by the appellant, in **Captain M. Paul Anthony Vs. Bharat Gold Mines, 1999(3) SCC 679**, dismissed her petition, upon reaching a conclusion that decision in **Captain M. Paul Anthony (supra)** does not lay down any absolute principle of law that in all those cases where a criminal trial is pending, the departmental proceedings must be kept in abeyance. Rather, the question, whether, in the given situation, the departmental proceedings are required to be stayed, would be determined taking into account multiple factors: if the departmental proceedings and criminal trial are based on similar set of facts; the charge in the criminal trial against the delinquent employee is of a grave nature and involved complicated questions of law and fact. Whereas, upon due consideration of the matter in issue, the learned Single Judge recorded that it was not the case in the matter at hands. It was observed that the charges against the appellant in the departmental proceedings were that she had been siphoning off the funds/amount from the accounts of the bank's customers in the name of her own relatives since 2005. Further, upon being confronted with this fact, she has made three deposits refunding certain amount. And, significantly, the learned Single Judge also recorded that the entire material that was to be relied upon and produced against the appellant was documentary in nature and was either prepared by her or under her supervision, being Manager of the branch.

Learned counsel appearing for the appellant reiterates the submissions that were advanced before the learned Single Judge and

submits that the charges against the appellant are of grave nature and involved complicated questions of law and fact.

We have heard learned counsel for the parties and perused the records.

Upon being pointedly asked, if the charges have been framed in the criminal trial against the appellant and, if yes, whether the charge sheet was produced/placed before the learned Single Judge? Learned counsel fairly concedes that though charges have already been framed but the charge sheet was not placed before the learned Single Judge. In such circumstances, it is evident that the contention of the appellant that basis of the departmental proceedings and criminal trial is the same, is neither substantiated nor established. Even otherwise, as indicated above, the charges against the appellant are based on record and do not involve any complicated questions of law and facts, least a charge that could be termed as grave.

At this stage, it is pertinent to note that the second issue raised by the appellant regarding providing of adequate assistance to represent her case in the departmental inquiry, learned counsel for caveator-respondent No.3, reiterated the stand set out before the learned Single Judge that she would be provided with a list of eligible employees/officers, out of whom, she would be free to choose anyone to provide her assistance in the departmental proceedings. It goes without saying that the appellant would be at liberty to avail the aforesaid opportunity.

Upon being pointedly asked, learned counsel for the appellant could not show if the conclusion recorded by the learned Single Judge was either contrary to the record suffered from any illegality.

In the circumstances, we do not find any illegality or infirmity in the order passed by the learned Single Judge in dismissing the petition filed by the petitioner.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.03.2022
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No