

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

CWP-21714-2022 (O&M)

Date of decision: September 21, 2022

Suresh Kumar

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vikas Kuthiala, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing charge-sheet dated 13.07.2022 (Annexure P-5) and all subsequent proceedings arising out of it allegedly being illegal and motivated.

2. Learned counsel relies on Supreme Court judgment rendered in **Capt. M. Paul Anthony versus Bharat Gold Mines Ltd.** reported in **1999 (2) S.C.T. 660**. Based on substantially the same set of charges, simultaneous criminal as well as Departmental proceedings have been initiated against the petitioner. He submits that not only the documentary evidence, even the witnesses, whose statements are to be recorded in course of adducing evidence, are same in both the proceedings. Therefore, the defense of the petitioner would be severely jeopardize, in case he is made to adduce his evidence in departmental proceedings before the same is done in the criminal proceedings.

3. Notice of motion.

4. On advance service, learned State counsel appears and opposes the petition and states that it is a settled position in law that simultaneous proceedings may continue.

5. Having heard the competing contentions, I am of the view that no grounds are made out for granting any stay on the pending departmental proceedings. In fact, granting stay on the departmental proceedings may be collaterally more harmful for the petitioner, since he would continue to be suspended from service during pendency thereof.

6. In the premise, writ petition is disposed of, with the limited interference to the extent that the departmental proceedings shall though continue, but petitioner shall not be forced to produce those witnesses, whom he is under advise to rely even in the criminal proceedings. While the Department, at the same time, shall be at liberty to record its evidence. Likewise, petitioner shall also adduce his limited evidence, which is not to be relied upon by him in the criminal proceedings.

(ARUN MONGA)
JUDGE

September 21, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No