

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

CWP-27194-2022 (O&M)

Date of decision: November 29, 2022

Suresh Chaudhary

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Aditya Gautam, 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 impugned charge-sheet dated 20.06.2022 (Annexure P-1) issued to the petitioner initiating departmental proceedings against him due to his involvement in FIR No.08 dated 06.08.2021, registered under Sections 7 and 7A of the Prevention of Corruption Act, 1988 at State Vigilance Bureau, Hisar.

2. Pledged case is that petitioner was serving as a Drug Control Officer, Hisar. He was suspended on 06.08.2021 on account of lodging of FIR No.08 dated 06.08.2021 registered under Sections 7 and 7A of the Prevention of Corruption Act, 1988 at State Vigilance Bureau, Hisar. Impugned Charge-sheet (Annexure P-1) was issued on 20.06.2022 and departmental enquiry has been initiated against the petitioner. Charges in the trial Court were framed on 20.08.2022 and no prosecution witness has been examined till date.

3. Learned counsel for the petitioner *inter alia* contends that petitioner is being proceeded against in the pending enquiry in violation of Apex Court's judgment in **Capt. M. Paul Anthony versus Bharat Gold Mines Ltd.** reported in **1999 (2) S.C.T. 660**, inasmuch as he is being compelled to disclose his evidence as well as produce his witnesses, who are common in the criminal proceedings. This will seriously jeopardize his defence to be taken in the criminal proceedings. He further argues that though some of the charges are common, there are certain additional delinquencies, which need to be adjudicated in the departmental enquiry, particularly with regard to the charge of his having remained absent from work without any sanctioned leave.

4. Notice of motion.

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

6. 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 remain suspended from service due to non-conclusion thereof.

7. Be that as it may, writ petition is disposed of with direction to the respondents that while they shall be at liberty to proceed with the departmental enquiry, but to the extent the charges against the petitioner in departmental as well as criminal proceedings are common, he shall not be compelled to produce his evidence *qua* the same as well as the common

witnesses, which he proposes to rely upon in the criminal proceedings so as to not to jeopardize and violate his right of defence in the pending criminal proceedings.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

November 29, 2022
mahavir

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