

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

CWP-1893-2023

Date of decision : 31.01.2023

Ravinder Singh

...Petitioner

Vs.

Union of India and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sachin Ohri, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Ravinder Singh has filed this writ petition under Article 226 Constitution of India for issuance of a writ of Certiorari seeking quashing of the impugned order dated 28.10.2022 (Annexure P-4), whereby departmental enquiry has been ordered to be initiated against him.

Learned counsel submits that the petitioner, while working as ASI being posted at Railway Police Station Pathankot, State of Punjab was implicated in case FIR No.128 dated 05.10.2022 registered under Sections 323, 417, 420, 493, 494, 495 and 506 IPC at Police Station Division No.1, Pathankot (Annexure P-1), which was lodged at the instance of complainant-Pinki Walia (petitioner's wife). He submits that in the said case, petitioner is on anticipatory bail by virtue of the order passed by this Court in CRM-M-51811-2022 and further the parties were also relegated to the Mediation and Conciliation Centre of this Court to explore the possibility of settlement. In this regard, the attention of the Court is invited to the order dated 11.11.2022 (Annexure P-2). Learned counsel submits that on the same set of allegations, which is the subject matter of the FIR, the departmental proceedings are being initiated against the petitioner, who has also been served

with a charge-sheet (Annexure P-3) and departmental inquiry has also been ordered vide impugned order dated 28.10.2022 (Annexure P-4). According to learned counsel, the departmental proceedings are also founded upon the allegations contained in the FIR, therefore, the same deserves to be set aside in order to avoid prejudice to the petitioner in the criminal case. In support of his case, learned counsel has placed reliance upon the decision of Hon'ble the Supreme Court in “*Capt.M.Paul Anthony Vs. Bharat Gold Mines Ltd.*”, 1999 (3) SCC 679”. He submits that since the evidence in both the proceedings is common, therefore, the departmental proceedings be stayed.

After hearing learned counsel and considering the material on record, this Court does not find any merit in the argument raised by the learned counsel for staying the department proceedings. A perusal of the order dated 11.11.2022 (Annexure P-2) shows that the petitioner is on interim anticipatory bail and even his application for bail is yet to be finally decided, which is now fixed for 15.03.2023. The trial in the subject FIR is yet to commence, therefore, at this stage, it cannot be said that the evidence relied upon by the prosecution in criminal case is the same as is in the departmental proceedings though both the proceedings are founded upon a complaint of petitioner's wife.

Apart from it, the standards of proof required in these two proceedings are entirely different, therefore, it cannot be said that if, the departmental proceedings are allowed to continue, the petitioner would suffer any prejudice. In the given facts, the decision relied upon by learned counsel in Capt.M.Paul Anthony's case (supra) does not lend any strength to the petitioner's case as Hon'ble the Supreme Court after examining various citations on the issue held that the departmental proceedings and the

proceedings in a criminal trial can proceed simultaneously, and further it has also been held that in case trial is not making any progress or is delayed, the departmental proceedings, even if stayed, can be resumed.

Resultantly, no ground is made out for exercise of extraordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

31.01.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No