

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

CWP-3457-2023 (O&M)

Date of decision : 05.05.2023

MANJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ishan Gupta, Advocate for the petitioner.

Mr. Aman Dhir, Deputy Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

By way of present writ petition the petitioner prays for issuance of writ in the nature of mandamus directing the respondents to keep the regular departmental inquiry proceedings in abeyance till the conclusion of the criminal case in FIR No.32 dated 3rd of November, 2022 registered for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, at Police Station Vigilance Bureau, Patiala.

The precise contention raised in the writ petition is that the charge sheet dated 21st of November, 2022 on the basis of which the departmental proceedings have been initiated and FIR No.32 dated 3rd of November, 2022 under which the petitioner has been booked, arise out of the same incident. The charges being the same and the witnesses being the same the issue would be covered by law laid down by Apex Court in '**Capt.**

M. Paul Anthony vs. Bharat Gold Mines Ltd.' (1999) 3 SCC 679.

Mr. Dhir appears on advance notice and submits that the petitioner submitted representation dated 27th of January, 2023 which is under active consideration of the respondent-Authority and the same has been forwarded to the District Attorney for his opinion. He thus submits that before proceeding further the respondents will take a conscious decision on such representation (Annexure P-4).

In view of the above, the present writ petition is disposed off with the directions to respondent No.3 (Senior Superintendent of Police, Sangrur) to take conscious decision on the representation made by the petitioner before proceeding further, in accordance with law.

May 05, 2023**Dpr****(Pankaj Jain)****Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No