

**111 IN THE HIGH COURT OF PUNJAB & HARYANA,
CHANDIGARH**

CWP No. 7701 of 2023

Date of decision : April 25, 2023

Kulwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Vaibhav Sehgal Advocate
for the petitioner.

Mr. Aman Dhir, DAG., Punjab.

PANKAJ JAIN, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioner seeking issuance of writ in the nature of mandamus directing the respondents to stall the departmental proceedings initiated against the petitioner claiming that the departmental proceedings and the criminal case registered against the petitioner vide FIR No.17 dated 29.11.2022 for the offences punishable under Section 7 of the Prevention of Corruption Act, 1988 arise out of the same incident and involve same allegations.

2. It has been further claimed that since majority of the witnesses may be same the continuation of the proceedings shall be in the teeth of law laid down by the Apex Court in the case of **Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. reported as 1999 (3) SCC 679.**

3. Learned counsel for the petitioner further submits that in the similar circumstances the same enquiry officer had already expressed his opinion and the same is reflected in order dated 24.3.2023 passed by this Court in CWP No. 6991-2021.

4. Learned counsel representing the respondents submits that the representation of the petitioner is already pending before the authorities and the authority be granted liberty to take a conscious decision thereon.

5. Finding it to be a fair request, the writ petition is disposed off with the direction to respondent No.3 to take a decision on the representation dated 22.3.2023 (Annexure P-4) before proceeding further with the enquiry.

(PANKAJ JAIN)
JUDGE

April 25, 2023
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Whether speaking/reasoned	Yes
Whether Reportable :	No