



CWP-16162-2000

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

**CWP-16162-2000
Date of Decision: 12.09.2024**

Anil Kumar Gupta and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kapil Aggarwal, Advocate,
for petitioner No.1.

Mr. Ravindra Jain, Advocate,
for petitioner No.2.

Mr. Kapil Bansal, DAG, Haryana.

Mr. G.S. Bajwa, Advocate,
for respondents No.2 & 3.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to keep in abeyance the enquiry proceedings during the pendency of the criminal proceedings before the trial Court and also to direct the respondents to allow the petitioners to have the assistance of a Lawyer during pendency of the enquiry since the charge-sheet and FIR are same and witnesses recorded are also the same and to supply the documents mentioned in the application dated 24.10.2000.

2. Learned counsel for the petitioners has submitted that the petitioners filed the present petition on the ground that the departmental

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proceedings were commenced on the same facts as that of the FIR and during the pendency of the criminal proceedings, the departmental proceedings could not commence and it was also prayed by the petitioners that they be provided a lawyer and some documents etc. He further submitted that the criminal proceedings have culminated into acquittal of the petitioners and therefore, the departmental enquiry proceedings cannot commence thereafter. He also submitted that the respondents did not supply some crucial document which the petitioners were entitled to get and the same has been so depicted in Annexure P-14 at Serial No.4 which is a report submitted by Sh. J.S. Thakur on 11.09.1999 regarding the FIR.

3. On the other hand, Mr. G.S. Bajwa, learned counsel for respondents No.2 & 3 submitted that after the acquittal of the petitioners, the department proceedings can still go on and there is no bar with regard to the same and even otherwise also the only prayer made by the petitioners is with regard to not to continue the departmental enquiry proceedings till the pendency of the criminal proceedings and an interim order was also passed in this regard and therefore, the departmental proceedings did not continue thereafter because there was an interim order dated 04.01.2001. He further submitted that in fact the present petition has become redundant because now the criminal proceedings are not in operation because they have culminated into acquittal of the petitioners and the department proceedings should continue. He also submitted that so far as the documents to which the learned counsels for the petitioners have referred to in the Annexure P-14 at serial No.4 i.e. a report of Sh. J.S. Thakur is concerned, if it is in possession of the department, the same will be supplied to the petitioners during the

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course of enquiry and the respondents have no objection with regard to the same.

4. I have heard the learned counsels for the parties.

5. The prayer made in the present petition is for not proceeding with the departmental proceedings in view of the pendency of the criminal proceedings. The criminal proceedings have already culminated into an order of acquittal. Therefore, in fact the present petition has become redundant. So far as the grievance of the petitioner that he has not been supplied a copy of the report as aforesaid is concerned, the learned counsel for the respondents has made a statement that in case it is in the possession of the respondents, then the same will be supplied to the petitioner.

6. At this stage, Mr. Kapil Aggarwal, learned counsel for petitioner No.1 stated that since it is an old case, some time framework may be fixed for concluding the enquiry.

7. Learned counsel for respondents No.2 & 3 stated that he has no objection in case any reasonable time framework is fixed in this regard.

8. In view of the above, the present petition is disposed of. It is directed that in case the respondents wish to continue with the enquiry then in that case the enquiry be concluded within a period of six months from today.

12.09.2024*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |