



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-1146-2024 (O&M)
Date of decision:- 08.05.2024

ASI Pawan KumarAppellant

vs.

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Amandeep Rana, Advocate
for the appellant.

Ms. Tanisha Pehsawaria, D.A.G. Haryana

SANJEEV PRAKASH SHARMA, J. (Oral)

1. By way of the present appeal, the appellant assails the judgment dated 10.04.2024 passed by the learned Single Judge, whereby he has decided 35 writ petitions including that of the appellant i.e CWP No. 228-2024 holding that the departmental enquiry proceedings can continue, as there is no complicated question of law or facts, which arises in the present case, so as to fulfil one of the essential ingredients for considering stay of the departmental proceedings. It was observed that the departmental proceedings are required to be culminated expeditiously.
2. Learned counsel for the writ-petitioner submits that the allegations levelled in the summary of charge for departmental proceedings are same as that of the criminal case. He further submits that



the writ-petitioner was not the person to whom the bribe amount was paid but he has been made co-accused solely on the basis of the disclosure statement of co-accused.

3. Learned counsel submits that the witnesses would be same in the departmental proceedings and, therefore, the departmental proceedings ought to have been stayed. He has also taken this Court to the order passed in the bail application wherein certain observations were made by the Coordinate Bench of this Court granting bail to the petitioner to submit that the petitioner is innocent.

4. Learned counsel further submits that the challan has not been filed as against the writ-petitioner. Thus, all the more, departmental proceedings need not be stayed, as criminal case has not yet been initiated.

5. We have carefully considered the submissions and found that the learned Single Judge, has before dealing each case, examined the law governing the issue at length and after having culled out the law as to whether departmental proceedings can be allowed to run concurrently with the criminal proceedings; he has thus examined each case on fact. In the present case, we find that the charge sheet issued to the petitioner mentions the following allegations for which the departmental proceedings are required to be conducted namely *“demanding bribe and not joining the investigation”*.

6. This Court is satisfied that the said aspect cannot be examined in the criminal case and departmental proceedings therefore need not be stayed or stalled during the criminal case. The law does not require departmental proceedings otherwise be stayed. In view of the



settled law in *Capt. M. Paul Anthony v. Bharat God Mines Ltd.*”
reported as 1999 (3) SCC 679, the present appeal is dismissed.

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

(SANJEEV PRAKASH SHARMA)
JUDGE

May 08, 2024
G Arora

(SUDEEPTI SHARMA)
JUDGE

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