



LPA No.1222 of 2024

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 128/3 cases

LPA No.1222 of 2024
Date of Decision: 17.05.2024

LHC Pratibha

..... APPELLANTS (S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

LPA No.1232 of 2024

Sunita

..... APPELLANTS (S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

A N D

LPA No.1233 of 2024

Shri Bhagwan

..... APPELLANTS (S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

...

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

...

PRESENT: - Ms. Sonia G. Singh, Advocate and Ms.Amandeep Kaur,
Advocate for the appellant in LPA No.1222 of 2024.

Mr.Ankur Lal, Advocate for the appellant(s) in LPA
Nos.1232 and 1233 of 2024.

Ms.Tanisha Peshawaria, DAG Haryana for the
respondent-State.

SANJEEV PRAKASH SHARMA, J (Oral)

These appeals are taken up together as common question of

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These are the appeals assailing the order passed by learned Single Judge, dated 10.04.2024, whereby the writ petitions preferred by the appellant(s) were dismissed. The allegations against the writ petitioners in the criminal case are with reference to an FIR registered for having committed an offence under the Prevention of Corruption Act, 1988 and therefore, departmental enquiry has been initiated which the petitioner prays to be kept in abeyance till the criminal case is decided. Law has been well settled as relied upon by the learned Single Judge that parallel departmental proceedings can continue in cases where delinquent official has also been arrayed as an accused in a criminal case for the same offence which is criminally attached to it, as is also discussed in ***LPA No.1146 of 2024 Pawan Kumar Vs. State of Haryana decided on 08.05.2024*** wherein we held as under:

“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.”

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.”

We do not find any reason to take a different view in the

present case. The appellants would always feel free to take defence in the



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departmental proceedings before the enquiry officer.

The LPAs are dismissed.

All pending applications (if any) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

May 17, 2024
Meenu

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No