

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12372 of 2025

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Nagendra Singh No.-2, (Kachhpal) Son of Late Baldeo Singh, resident of village- Fatehpur (Nadi Ke Par), P.S.- Didarganj, District- Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna (Bihar).
2. The Home Secretary Government of Bihar, District- Patna (Bihar).
3. The Director General of Police, Patna (Bihar).
4. The Superintendent, Shahid Khuadi Ram Bose, Central Jail, Muzaffarpur, (Bihar).
5. The Inspector General (Prison) Department of Home, Government of Bihar, Old Secretariat, Patna (Bihar)- 800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ful Man Singh, Advocate
		Mr. Rabindra Kumar, Advocate
For the Respondent/s	:	Mr. Md. Irshad, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 11-09-2025

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief :-

*“1. That this is an application for issuance of writ
or writs in the nature of mandamus or any other
writ/writs, order/orders, Direction/directions to
the respondents to pay the arrear amount of full
salary of suspension period w, e, f, 1998 to 2001
with 18% statutory interest including other dues
setting aside the order dated 31.07.2002
(Annexure-P/2) and dated 14.05.2025 (Annexure-*



P/9).”

3. The petitioner, while working on the post of Kachhpal in the Bihar police, was placed under suspension and proceeded against in a departmental proceeding on the charges of neglect in duties, as a result of which four prisoners fled away from the gate of the jail.

4. The petitioner submitted his reply. On conclusion of the departmental proceeding, a number of charges were found to be proved and the petitioner was inflicted with a punishment vide order dated 31.7.2002 which was to the effect that his salary was reduced to the basic pay, he was not to be given promotion for five years and, for the period of suspension, no amount would be payable to him except for the suspension allowance.

5. In the meantime, the criminal case which was lodged against the petitioner proceeded and by judgment dated 4.3.2017 passed in Sessions Trial no. 523 of 2001, the learned Additional Sessions Judge-V, Vaishali at Hajipur was pleased to acquit the petitioner and others giving them benefit of doubt.

6. The petitioner moved this Court in CWJC no. 9427 of 2018 praying for a direction to the respondents to pay the arrear amount of full salary for the period of suspension from 1998 to 2001 along with statutory interest thereon as also for



setting aside the order of punishment dated 31.7.2002 passed by the disciplinary authority. The prayer for payment of salary for the period of suspension was mainly on the ground of acquittal of the petitioner in the criminal case.

7. Taking note of the fact that a service appeal had already been preferred by the petitioner before the I.G. Prison, Bihar, Patna, and the same was still pending, the writ application (CWJC no. 9427 of 2018) was disposed of by order dated 27.2.2025 directing the I.G. Prison, Bihar, Patna to pass final order in the appeal within 60 days of the production of a copy of the order.

8. The petitioner filed a representation/petition before the I.G. Prison, who rejected the same by his order dated 14.5.2025. Consequently the petitioner filed the instant writ application for the prayer as stated herein above.

9. It is submitted by learned counsel appearing for the petitioner that the petitioner having been acquitted of the same charges in the criminal case, the judgment of which is Annexure-P/5 to the writ petition, he should not have been punished in the departmental proceeding. The I.G. Prison erred in not taking into consideration that the charges levelled in the departmental proceeding as also in the criminal case were



similar. The order impugned thus be set aside and the writ application be allowed.

10. The application is opposed by learned counsel appearing for the respondents. It is submitted that the I.G. Prison has passed the order dated 14.5.2025 taking into consideration all the points raised by the petitioner including the fact that four of the witnesses had turned hostile and there was contradiction in the deposition of the other two witnesses. It was submitted that acquittal in a criminal case cannot lead to end of the departmental proceeding for the reason that while in a criminal case, the charges need to be proved beyond reasonable doubt, so far as departmental proceedings are concerned the standard of proof required is mere preponderance of probability. It was submitted that there being no merit in the instant application, the same be dismissed.

11. Heard learned counsel for the parties and perused the material on record.

12. The relevant facts in brief are that the petitioner while working as Kachhpal having been proceeded against in a departmental proceeding on the charge of negligence in his duties on account of four prisoners having fled from the gate of the jail, the departmental proceeding started against the



petitioner ended in the order of punishment dated 31.7.2002. The petitioner who had also been proceeded against in a criminal case was acquitted by judgment dated 4.3.2017 (Annexure-P/5) by the learned trial Court giving the petitioner and other accused persons the benefit of doubt on account of four of the prosecution witnesses having been declared hostile witness.

13. Pursuant to the direction of this Court in its order dated 27.2.2025 passed in CWJC no. 9427 of 2018, the appeal of the petitioner against the order of punishment came to be decided by the I.G. Prison, Bihar on account of acquittal of the petitioner in the criminal case, however, the appeal was rejected by the order impugned dated 14.5.2025.

14. The question arising in the instant application is as to whether acquittal in a criminal case would entitle the employee for relief in the departmental proceeding also.

15. The Hon'ble Supreme Court considered the instant question in the case of **State Bank of India & Ors. vs. P. Zadenga; (2023) 10 SCC 675** and held as follows :-

“The instant lis presents two questions for consideration by this Court. They are:

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1.2. (b) Does acquittal in some of the connected proceedings entail a benefit in the surviving



proceedings? Further, inuring a right upon the delinquent employee of automatic discharge in disciplinary proceedings?

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24. The next aspect we must consider is whether an acquittal in one of the proceedings entails an acquittal in the other.

25. In *Nelson Motis v. Union of India* (1992) 4 SCC 711 : 1993 SCC (L&S) 13 it was observed that the question whether departmental proceedings could have continued in the face of acquittal in criminal proceedings had no force as : (SCC p. 714, para 5)

“5. ... The nature and scope of a criminal case are very different from those of a departmental disciplinary proceeding and an order of acquittal, therefore, cannot conclude the departmental proceeding.”

26. In *C. Nagaraju [Karnataka Power Transmission Corpn. Ltd. v. C. Nagaraju]*, (2019) 10 SCC 367 : (2020) 1 SCC (L&S) 92] it was observed : (SCC p. 371, para 9)

“9. *Acquittal by a criminal court would not debar an employer from exercising the power to conduct departmental proceedings in accordance with the rules and regulations. The two proceedings, criminal and departmental, are entirely different. They operate in different fields and have different objectives.* [Ajit Kumar Nag v. Indian Oil Corpn. Ltd., (2005) 7 SCC 764 : 2005 SCC (L&S) 1020] In the disciplinary proceedings, the question is whether the respondent is guilty of such conduct as would



merit his removal from service or a lesser punishment, as the case may be, whereas in the criminal proceedings, the question is whether the offences registered against him under the PC Act are established, and if established, what sentence should be imposed upon him. The standard of proof, the mode of inquiry and the rules governing inquiry and trial in both the cases are significantly distinct and different. [State of Rajasthan v. B.K. Meena, (1996) 6 SCC 417 : 1996 SCC (L&S) 1455] ”

(emphasis supplied)

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31. As a principle of law, we have already observed that a departmental proceeding pending criminal trial would not warrant an automatic stay unless, of course, a complicated question of law is involved. Also, acquittal in a criminal case ipso facto would not be tantamount to closure or culmination of proceedings in favour of a delinquent employee.

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39. The questions presented in this appeal are answered as under.

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41. The nature of proceedings being wholly separate and distinct, acquittal in criminal proceedings does not entitle the delinquent employee for any benefit in the latter or automatic discharge in departmental proceedings.”

16. In view of the settled position of law answered by



the Hon’ble Supreme Court in the case of **P. Zadenga** (*supra*), the Court finds no merit in the submissions made by learned counsel for the petitioner that on account of his acquittal of the charges in the criminal case he should not have been punished in the departmental proceeding.

17. The Court finds no merit in the instant writ application.

18. The application is dismissed.

(Partha Sarthy, J)

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CAV DATE	N/A
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