



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA No.1530 of 2024 (O&M)
Date of Decision: 29.01.2025

Dharmender
...Appellant

Versus

State of Haryana and others
...Respondents

CORAM: *HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA*
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. M.D. Khan, Advocate
 for the appellant.

SANJEEV PRAKASH SHARMA, J.(Oral)

This is an appeal referred against the judgment passed by learned Single Judge dated 29.05.2024, whereby learned Single Judge after taking into consideration the law as settled by the Supreme Court in *Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd., 1999(3) SCC 679* and *Indian Overseas Bank, Anna Salai and Anr. vs. P. Ganesan and others, 2008(1) SCC 650* as well as the subsequent judgments passed by the Supreme Court in the case of *Shashi Bhusan Prasad vs. Inspector General, Central Industrial Security Force and others, 2019(7) SCC 797* and *State of Karnataka and others vs. Umesh, 2022 SCC Online SC 345*, dismissed the writ petition of the petitioner wherein the petitioner demanded that the proceedings in the departmental inquiry should be stayed on account of the charges having the same overtone as the criminal case registered against him



for offences under the Prevention of Corruption Act.

2. It is, now, settled law in view of the judgments passed in the cases of *Capt. M. Paul Anthony, Indian Overseas Bank, Shashi Bhusan Prasad* and *Umesh (supra)* that both departmental inquiries as well as the criminal case can run parallel where the charges are based on similar set of facts. The scope of examining the evidence in the departmental proceedings is of completely different level to that in the criminal case and thus, it cannot be said that the departmental proceedings should be stayed till the disposal of the criminal case. The aspect of disclosure of defence in the departmental proceedings would be no ground to stay the proceedings, that apart the delinquency alleged in departmental proceedings is much more and on a different level to that of the criminal case.

3. We, therefore, do not find any reason to interfere with the order passed by learned Single Judge dated 29.05.2024.

4. The appeal is dismissed.

5. Pending application(s) also stand dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

29.01.2025
neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No