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

RSA-1401-2007 (O&M)

Reserved on : 15.01.2026

Pronounced on : 11.02.2026

Uploaded on : 11.02.2026

Mukesh Kumar

.....Appellant

Vs.

The State of Haryana and others

.....Respondents

*Whether only the operative part of the judgment is pronounced?**NO**Whether full judgment is pronounced?**YES***CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present : Mr. Govind Chauhan, Advocate, for the appellant.

Mr. Harish Nain, AAG, Haryana, for the respondents.

SUDEEPTI SHARMA J.

1. The present Regular Second Appeal is preferred against the judgment and decree dated 12.01.2006 passed by the learned Civil Judge (Junior Division), Panipat, whereby the civil suit filed by the appellant was dismissed as well as against the judgment and decree dated 06.11.2006 passed by the learned Additional District Judge, Panipat, whereby appeal filed by the appellant against the judgment and decree dated 12.01.2006 was also dismissed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that the appellant was working as Clerk in the Depot of Haryana Roadways at

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Panipat and in the year 1995, one Rajbir Singh, who was working as Helper in Haryana Roadways, was recommended to be appointed as regular Driver by the Transport Commissioner, Haryana. On 05.06.1995, he brought his service book and appointment letter as Driver on regular basis from the General Manager, Haryana Roadways, which was given on 07.06.1995. Rajbir Singh felt annoyed because of delay in getting his appointment letter and lodged a complaint to the Deputy Superintendent of Police, City Panipat, against the appellant, stating therein that appellant had demanded bribe of Rs.200/-. On that basis, FIR No.196 dated 07.06.1995, under Sections 13/49/99 of the Prevention of Corruption Act was registered against him. Subsequently, the appellant was acquitted by the Court after holding trial. Appellant was served with charge-sheet dated 20.10.1995, wherein same charges were levelled against him of allegedly accepting the bribe of Rs.200/- and it was sought to be proved by the same witnesses, who were the prosecution witness in the criminal case, in which he had been acquitted. Further during trial, appellant was placed under suspension and departmental inquiry was kept pending awaiting the decision of criminal case. But after acquittal, instead of reinstating the appellant in service, the directions were issued vide order dated 14.06.2000 by the Transport Commissioner, Haryana to Inquiry Officer Headquarter to hold the departmental inquiry. The same order dated 14.06.2000 was challenged by the appellant by filing civil suit on the ground that after his acquittal, there was no ground to proceed with the inquiry on the basis of same charge-sheet against the appellant and the



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same is liable to be quashed. Further that he is entitled to reinstatement after acquittal by the criminal court. Civil Suit filed by the appellant was dismissed by the learned Civil Judge (Junior Division), Panipat, vide its judgment and decree dated 12.01.2006. He preferred appeal against the same, which was also dismissed by the learned Additional District Judge, Panipat, vide its judgment and decree dated 06.11.2006. Hence the present regular second appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. Learned counsel for the appellant contends that after the judgment of acquittal on merits, no departmental proceedings can be initiated. He further contends that in case departmental proceedings are to be allowed to proceed by this Court, it should be finalized in a time bound manner. He relies upon the judgment passed by Hon'ble the Supreme Court in **Ram Lal Vs. State of Rajasthan and others, 2023 SCC Online SC 618** as well as the judgments passed by this Court in **Union of India and others Vs. Constable Jasvir Singh, 2025 NCPHC 152379** and **Smt. Harjit Grewal and others Vs. Dr. Vinod Kumar Batra and others, 2010(5) RCR (Civil) 340**. He, therefore, prays that the present appeal be allowed.

4. *Per contra*, learned counsel the respondents submits that inquiry is yet to be conducted and as per guidelines regarding procedure in disciplinary cases issued by the Law and Legislative Department, Haryana Government, departmental inquiry can be initiated even after acquittal. He further contends that charges against the appellant before the Criminal Court



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and before the department are different. Therefore, there is no bar to conduct departmental inquiry against the appellant after his acquittal. He relies upon the judgment passed by Hon'ble the Supreme Court in **Karnataka Power Transmission Corporation Limited, Represented by Managing Director (Admin. And HR) Vs. Sri C.Nagaraju and another, 2019(10) SCC 367**, wherein it has been held that acquittal by Criminal Court does not preclude a departmental inquiry against the delinquent officer. Therefore, he prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

6. A perusal of the record shows that admittedly, the appellant was working with the respondent-department as Clerk and on the basis of complaint against him FIR No.196 dated 07.06.1995 was lodged under Sections 13/49/99 of the Prevention of Corruption Act and subsequently, he was acquitted by the Criminal Court, vide its judgment dated 11.11.1999 (Exhibit P-1). Charge-sheet in departmental proceedings was issued vide order dated 20.11.1995 on the same very allegation of bribe of Rs.200/- on which FIR was lodged against him and during the trial, he was placed under suspension and departmental inquiry was kept pending. The main grievance of the appellant in the present Regular Second Appeal is that despite acquittal in the criminal case, on the same allegations, charge-sheet was served upon him in the year 1995 and Transport Commissioner, Haryana,



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vide order dated 14.06.2000 issued directions to Inquiry Officer to hold departmental inquiry.

7. Before proceeding further, it would be apposite here to reproduce the relevant portion of guidelines regarding procedure in disciplinary cases issued by the Law and Legislative Department, Haryana Government, which reads as under:-

“16. Whether departmental proceedings can be initiated or continued when criminal proceedings are pending.

There is no legal bar against initiating or continuing departmental proceedings where it is proposed to launch criminal proceedings or where criminal proceedings are pending on the same charges. The yardstick and standard of proof in a criminal case is different from the disciplinary proceeding. While the standard of proof in a criminal case is a proof beyond all reasonable doubt, the proof in a departmental proceeding is preponderance of probabilities. It is well settled that if an employee has been acquitted of a criminal charge, the same by itself would not be a ground not to initiate a departmental proceeding against him or to drop the same. Acquittal in a criminal case would, thus, be no bar for drawing up a disciplinary proceeding against the delinquent officer as has been held by Hon'ble Supreme Court in a case Suresh Pathrella vs. Oriental Bank of Commerce AIR 2007 Supreme Court 199, Nelson Motis vs. Union of India and another (1992) 4 SCC 711 and Commissioner of



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Police, New Delhi vs. Narender Singh (2006) 4 SCC 265.”

8. Now coming to the judgments referred to by the learned counsel for the appellant, which would be of no help to him, since the facts are distinguishable from the facts of the present case.

9. So far as the judgment referred to by learned counsel for the respondents is concerned, in the same, Hon'ble the Supreme Court has held that acquittal by Criminal Court does not preclude departmental inquiry against the delinquent officer. Therefore, there is no illegality in the order dated 14.06.2000 passed by the Transport Commissioner, Haryana, wherein directions were issued to the Inquiry Officer to hold departmental inquiry.

10. In view of the above discussion, I do not find any infirmity or illegality in the judgment dated 12.01.2006 passed by learned Civil Judge (Junior Division), Panipat, as well as in the judgment dated 06.11.2006 passed by the learned Additional District Judge, Panipat, and the same are affirmed.

11. Consequently, the present appeal is hereby **dismissed**. Parties are left to bear their own costs. Decree sheet be drawn.

12. A perusal of the record shows that during the pendency of criminal case, the departmental inquiry was kept in abeyance. And the appellant challenged order dated 14.06.2000, whereby direction was issued by the Transport Commissioner, Haryana, to the Inquiry Officer Headquarter to hold departmental inquiry by filing civil suit. The same was dismissed by



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the learned Civil Judge (Junior Division), Panipat, vide its judgment and decree dated 12.01.2006. He filed appeal against the same, which was also dismissed by the learned Additional District Judge, Panipat, vide its judgment and decree dated 06.11.2006. In the civil suit, which is upheld by the appellate court, no illegality was found in the order dated 14.06.2000, whereby direction was issued by the Transport Commissioner to the Inquiry Officer to hold departmental inquiry and the departmental inquiry was kept in abeyance during the decision in criminal case. Vide order dated 17.07.2007 passed by this Court, further proceedings were stayed. Therefore, because of the stay granted by this Court, the department could not hold the departmental inquiry, which was ordered by the Transport Commissioner, Haryana, vide order dated 14.06.2000.

13. Since, the present Regular Second Appeal pertains to the year 2007, therefore, it is expected that the respondents would decide the departmental inquiry/proceedings within a period of six months from today.

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

(SUDEEPTI SHARMA)
JUDGE

11.02.2026

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No