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IN THE HIGH COURT OF DELHI AT NEW DELHI*Date of Decision: 09.02.2026*

+ W.P.(C) 1803/2026, CM APPL. 8718/2026 and CM APPL.8719/2026

MANOJ KUMAR SOLANKIPetitioner

Through: Mr. Nipun Arora, Adv.

versus

GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mrs. Avnish Ahlawat, SC along
with Mr. Nitesh Kumar Singh,
Ms. Aliza Alam an Mr.
Mohnish Sehrawat, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

AMIT MAHAJAN, J.

1. Through the present Petition, the Petitioner assails the correctness of the order dated 20.11.2025, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'Tribunal'] in O.A. 1099/2025.

2. The Petitioner prays for a stay of the Disciplinary Proceedings relating to a criminal case under The Prevention of Corruption (Amendment) Act, 2018 [hereinafter referred to as 'POC (Amendment) Act'], on the ground that he will be forced to disclose his defence.

3. Briefly stated, the Petitioner was working as a Food and Supply Officer in Circle 46 (Chhatarpur), GNCTD, who was arrested while

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demanding and accepting a bribe of Rs.18,000/-, on 31.08.2021. Consequently, FIR No. 10/2021 was registered against the Petitioner under Section 7 of the POC (Amendment) Act. He was enlarged on Bail *vide* order dated 13.09.2021. While the said criminal case was proceeding, a parallel disciplinary proceeding was initiated against him *vide* Charge Memo dated 01.02.2024.

4. The Petitioner approached the Tribunal seeking a stay on the aforesaid disciplinary proceedings. The Tribunal has found that the disciplinary proceedings already remained stayed for a considerable time from 14.11.2024 till 20.11.2025, i.e. for about an year, by virtue of an earlier interim order. Moreover, the Petitioner has already disclosed his defence in the Bail application.

5. The learned Tribunal held that the chargesheet in the criminal case is yet to be filed, however, the Petitioner continues to enjoy the benefit of the interim order when there is no subsequent progress in the criminal case.

6. The learned Tribunal, while placing reliance on ***Capt. M Paul Anthony v. Bharat Gold Mines Ltd. & Anr.¹***, further held that the disciplinary inquiry cannot be delayed unduly and it would not be in the interest of administration that the person accused of serious misdemeanour should continue in office indefinitely awaiting the result of the criminal proceedings.

7. It is pointed out that the chargesheet has since been filed in the criminal case. The only ground pressed by the Petitioner is that the



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departmental proceedings are initiated on the identical and similar set of facts as a criminal case and the witnesses are also the same, and therefore it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.

8. This Court finds no error in the order passed by the learned Tribunal in allowing the departmental proceedings to continue. It is settled law that the departmental proceedings and criminal proceedings can continue in parallel as the scope, objective, punishment, as well as the thresholds in both are materially different and there is no bar in the proceedings being conducted simultaneously.

9. The Supreme Court in **Capt. M Paul Anthony** (*Supra*) also clarified that, though it is desirable to await the conclusion of the criminal proceedings, the said fact cannot be considered in isolation and that due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.

10. It is undisputed that even in the case of **Capt. M Paul Anthony** (*Supra*), it was categorically held that the proceedings in the criminal case and the departmental proceedings operate in distinct and different jurisdictions and areas. In the departmental proceedings where the charge related to misconduct is being investigated, the factors operating in the mind of disciplinary authorities may be many such as enforcement of disciplinary inquiry or to investigate the level of integrity, whereas the standard of proof required in the criminal proceedings is that the case is to be proved beyond a reasonable doubt.

¹ (1999) 3 SCC 679



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It is also undisputed that even in the case of acquittal in criminal cases, there is no bar in initiating a disciplinary inquiry since the same has to be proved in principle of preponderance of probabilities.

11. The Supreme Court in a subsequent judgment in *Kendriya Vidyalaya Sangathan v. T. Srinivasa*², further clarified that the advisability, desirability, or propriety, as the case may be in regard to the departmental inquiry has to be determined in each case, taking into consideration all facts and circumstances of the case. It was held that the stay of departmental proceedings cannot be and should not be a matter of course. The object of criminal proceedings and the departmental proceedings is altogether distinct and different. In the departmental proceedings, the question is whether the Respondent alleged of such misconduct has to be removed from service or imposed lesser punishment. Whereas in the criminal proceedings, the question is whether the offence as registered against the Petitioner establishes, and if established, what sentence should be imposed. The rules governing the inquiry and trial are distinct and different.

12. The Supreme Court noted that the seriousness of charges which pertains to the acceptance of illegal gratification and the desirability of retaining the employee in service, in spite of such charges, makes it necessary that there should be no stay of parallel disciplinary inquiry.

13. Therefore, when an officer is facing criminal proceedings, especially under the provisions of The Prevention of Corruption Act, 1988, involving moral turpitude, the departmental proceedings ought

² AIR 2004 SC 4127



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not to be kept in abeyance even if there is some overlapping of evidence in the criminal as well as departmental proceedings. The learned Tribunal also took note of the O.M. dated 21.07.2016 issued by the Department of Personnel and Training after considering various judgments. Relevant paragraph of the said O.M. is set out below:

“12. In view of the law laid down in various judgments, including the ones quoted above, in cases of serious charges of misconduct, particularly involving moral turpitude, the Ministries/Departments should keep the following points in view to take prompt action:

(i) All incriminating documents should be seized promptly to avoid their tempering or destruction of evidence.

(ii) Particular care needs to be taken for retention of copies of such documents while handing over the same to an investigating agency. These documents may be attested after comparison with the originals.

(iii) In case the documents have been filed in a court, certified copies of documents may be obtained.

(iv) Documents and other evidence must be examined to see whether any misconduct, including favour, harassment, negligence or violation of rules/instructions has been committed. If there is a prima facie evidence of misconduct, charge sheet under the appropriate rule must be issued.

(v) Court judgments should be promptly acted upon:

(a) in cases of conviction action is to be taken under Rule 19(i) of the CCS (CCA) Rules, 1965;

(b) in cases of acquittal also, if the Court has not acquitted the accused honourably, charge sheet may be issued;

(c) an acquittal on technical grounds or where a benefit of doubt has been given to the accused will have no effect on a penalty imposed under CCS (CCA) Rules, 1965, as while in a criminal trial the charge has to be beyond reasonable doubt, in the departmental inquiry the standard of evidence is preponderance of probability.

(vi) An appeal by the accused against conviction, but where the conviction has not been overturned/stayed, will have no effect on action taken under Rule 19(i) of the CCS (CCA) Rules, 1965, even if Court has directed stay/suspension of the sentence.”

14. In view of the above discussion, we find no infirmity in the impugned order and with the continuation of the departmental



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proceedings pending the criminal trial.

15. Hence, the present Petition, along with pending applications, stands dismissed.

AMIT MAHAJAN, J

ANIL KSHETARPAL, J

FEBRUARY 9, 2026

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