

**ORISSA HIGH COURT, CUTTACK**

ORIGINAL JURISDICTION CASE NO.1245 OF 2002

In the matter of an application under Articles 226 and 227 of the Constitution of India.

Naren Singh Tiria

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Petitioner

Versus

Chief General Manager, SBI,  
Bhubaneswar & others

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Opposite Parties

For Petitioner - Mr. S.D.Das

For Opp.Parties - Mr. P.V.Ramdas  
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PRESENT:-

THE HON'BLE MR. JUSTICE P.K.MOHANTY  
AND  
THE HON'BLE MR. JUSTICE PRADIP MOHANTY  
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PRADIP MOHANTY, J. This is an application under Article 226 of the Constitution of India with a prayer to stay the departmental proceeding initiated against the petitioner till the disposal of the criminal proceedings.

2. According to the petitioner, two criminal cases, i.e., G.R.Case 1No.498 of 2000 and G.R.Case No.495 of 2000, for the offences under sections 468, 471, 420 and 511 IPC and under sections 468, 471, 420 read with section 34 IPC respectively, have

been instituted against him and are pending in the court of the SDJM, Baripada. The petitioner contends that on the self-same allegations as in the criminal cases, a departmental proceeding pursuant to charge-sheet under Annexure-4 series has also been initiated. According to the petitioner, if the departmental proceeding is allowed to continue, his defence in the criminal case is likely to be disclosed, for which he is likely to be seriously prejudiced inasmuch as the same shall affect the criminal trial.

3. The Bank has filed a counter affidavit stating that the two sets of proceedings would be conducted by different agencies and would operate in different areas. It is also stated that there is no bar for both the proceedings to continue simultaneously.

4. After hearing the learned counsel for the parties and after going through the decisions cited at the Bar reported in AIR 1999 SC 1416 (*Capt. M.Paul Anthony -v- Bharat Gold Mines Ltd. And another*) and 1998(1) OLR 474 (*Chandi Prasad Das -v- State of Orissa and others*), this Court is of the considered view that there is no prohibition for both sets of proceedings to continue simultaneously unless substantial prejudice is caused to the delinquent-employee on account of disclosure of the defence. In the instant case, there is no material on record to come to the conclusion that the defence of the petitioner is likely to be disclosed, which would be prejudicial to him.

5. For the reasons aforesaid, we see no merit in this writ petition and dismiss the same.

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P.K.MOHANTY, J. I agree.

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Orissa High Court, Cuttack  
August 3, 2004 / *Samal*