

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P. No.17963 of 2007

Date of decision: November 30,2007

Ajit Singh V. State of Punjab and others

CORAM: HON'BLE MR.JUSTICE J.S.KHEHAR
HON'BLE MR.JUSTICE SHAM SUNDER

Present: Mr.Amit Jain, Advocate, for the petitioner.

J.S.Khehar,J.(Oral)

Through the instant writ petition, the petition has impugned the action of the respondents in holding a parallel departmental enquiry against the petitioner despite the fact that criminal proceedings is pending against him in respect of the same incident(s). On the issue under reference, learned counsel for the petitioner has invited our attention to Annexure P/2 i.e. the departmental charge sheet issued to the petitioner as also Annexure P/7 i.e the First Information Report, which is the basis of the criminal prosecution being conducted against the petitioner.

Undoubtedly the incident(s) and facts which are subject matter of consideration in the departmental enquiry and the criminal prosecution being conducted against the petitioner are the same. Be that as it may, merely on account of the fact that the charges and facts are the same, it would be unjustified in the facts and circumstances of the present case, to pass an order directing the respondents not to hold any further departmental proceedings against the petitioner. Our aforesaid view is based on the fact that an employee should be protected from disclosing his defence while

responding to the departmental proceedings initiated against him so that he is not prejudiced in the criminal case pending against him. In the present case, we are informed that all the prosecution witnesses have already been examined, except the Investigating Officer and the Doctor. The statement of the Investigating Officer as also the Doctor has nothing to do with the defence raised by the petitioner. It is, therefore, obvious that the petitioner will not be prejudiced with the holding of the departmental enquiry in the present case. Accordingly, we find no merit in the prayer made by the petitioner that departmental proceedings pending against the petitioner should be stayed during the pendency of the criminal prosecution being conducted against him.

Dismissed.

(J.S. Khehar)
Judge

November 30, 2007
sks

(Sham Sunder)
Judge

