



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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LPA-521-2025 (O&M)
Date of decision: 19.02.2025

DINESH KUMAR

...Appellant

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. A.S. Lamba, Advocate for the appellant.

SANJEEV PRAKASH SHARMA. J.(Oral)

1. The LPA assails the order dated 11.02.2025 passed by the learned Single Judge, whereby, the learned Single Judge has rejected the petition, claiming the stay of the departmental proceedings till the conclusion of the criminal proceedings.
2. Learned counsel submits that if the departmental proceedings are allowed to run parallel to the criminal trial, his defence would be disclosed which would prejudice his case in the criminal trial. Law is well settled on this issue. In the case of **Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd., 1993 (3) SCC 679**, this Court has time and again held that parallel proceedings of a criminal case as well as in departmental proceedings can continue together, as the level of examining the evidence is different at both the stages.
3. In the case of **Dharmender Vs. State of Haryana and Others,** (PHHC:013282-DB) wherein, this Court has held as under:-



“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.”

4. The argument has also been followed in **Tulsi Dass Vs. State of Haryana and Others**, (PHHC:072719-DB) wherein the Division Bench of this Court has held as under:-

“2. The question which was before the learned Single Judge was whether departmental proceedings are liable to be stayed during the pendency of the criminal proceedings keeping in view the law laid down in Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd., (1999) 3 SCC 679. The learned Single Judge also relied upon the earlier decision rendered in a bunch of writ petitions i.e. CWP-5111-2024, Mustaq vs. State of Haryana and others decided on 10.04.2024 to come to the conclusion that the department cannot be expected to wait endlessly for the trial to conclude and there was no legal bar as such for both the proceedings to go on simultaneously. The delay in departmental proceedings could not be permitted as the interest of both the parties including the employer had to be kept in mind. It was noticed that even the charges framed before the criminal court as such had not been produced before him and, therefore, it could not be held that the departmental proceedings and the criminal proceedings are going to be held on the same set of facts and whether there could be any prejudice caused in the criminal case could not be deciphered.

4. A perusal of the present case would go on to show that the



challenge as such was to the departmental proceedings initiated whereby the charge as such was of indiscipline, misconduct, lack of duty and lack of responsibility and tarnishing of the image of the police in view of the involvement in FIR No.13 dated 13.05.2023 under Sections 7/13 (1) (B) of the Prevention of Corruption Act, 1988 (in short 'P.C. Act') registered at P.S. Anti Corruption Bureau, Faridabad. Apparently, the appellant as such was investigating FIR No.212 dated 04.05.2023 under Sections 147, 148, 149, 323, 506 IPC registered at P.S. Dabua whereby, certain demands as such had been made being the Head Constable from the relatives of the accused, on the basis of which, he got involved in the FIR No.13. The factum of the involvement in criminal trial and whether he is liable to be acquitted are different aspects altogether since in the departmental proceedings, the misconduct aspect and tarnishing of the image of the police on account of being involved in P.C. Act proceedings is a subject matter of consideration.”

5. Similarly, in the case of **ASI Pawan Kumar Vs. State of Haryana and Others**, (PHHC:064340-DB), this Court has held as under:-

“5. We have carefully considered the submissions and found that the learned Single Judge, has before dealing each case, examined the law governing the issue at length and after having culled out the law as to whether departmental proceedings can be allowed to run concurrently with the criminal proceedings; he has thus examined each case on fact. In the present case, we find that the charge sheet issued to the petitioner mentions the following allegations for which the departmental proceedings are required to be conducted namely “demanding bribe and not joining the investigation”.

6. This Court is satisfied that the said aspect cannot be examined in the criminal case and departmental proceedings therefore need not be stayed or stalled during the criminal case. The



law does not require departmental proceedings otherwise be stayed. In view of the settled law in Capt. M. Paul Anthony v. Bharat God Mines Ltd.” reported as 1999 (3) SCC 679, the present appeal is dismissed.”

6. We have also examined the charge-sheet issued to the petitioner in departmental proceedings, wherein the allegations are not only relating to the criminal conduct but also with regard to having shown gross negligence, indiscipline and irresponsibility, being the Police official.
7. In view of the above, we do not find any reason to differ from the judgment passed by the learned Single Judge.
8. LPA stands dismissed accordingly.
9. Pending application(s), if any, stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(KIRTI SINGH)
JUDGE

19.02.2025
Amandeep

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