



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

CWP-22435-2023 (O & M)
Date of Decision: 04.03.2025

Surender

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

Ms. Dimple Jain, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to keep departmental proceedings in abeyance till the conclusion of criminal proceedings arising out of FIR No.04 dated 28.02.2023 under Section 7 of Prevention of Corruption Act, 1988 registered at P.S. State Vigilance Bureau, District Rohtak.

2. Mr. G.S. Sandhu, Advocate submits that case of petitioner is squarely covered by judgment of Supreme Court in *Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd., 1999(3) SCC 679*. The foundation of trial as well as departmental proceedings is same, thus, unless and until he is found guilty by trial Court, he should not be departmentally punished.

3. Ms. Dimple Jain, DAG, Haryana submits that a Coordinate Bench of this Court after noticing judgment of Supreme Court in *Capt. M. Paul Anthony's case (supra)* has dismissed a bunch of petitions including CWP No.15845 of 2023. The aggrieved officials preferred intra court appeals



including LPA No.1255 of 2024 and 1146 of 2024. The intra court appeals stand dismissed vide judgment dated 22.05.2024 and 08.05.2024.

4. I have heard the arguments of learned counsel for the parties and perused the record with their able assistance.

5. It is undisputed fact that a Co-ordinate Bench of this Court has dismissed a bunch of petitions involving identical facts and issues. The judgment passed by a Co-ordinate Bench stands upheld by a Division Bench of this Court.

6. In the wake of judgment dated 22.05.2024 passed by Division Bench of this Court in ***LPA No.1255 of 2024*** titled as “***Tulsi Dass vs. State of Haryana and others***” and judgment dated 08.05.2024 passed in ***LPA No.1146 of 2024*** titled as “***ASI Pawan Kumar vs. State of Haryana and others***”, it can be concluded that the respondent cannot travel beyond the police report, thus, no prejudice is going to be caused to petitioner, if he leads his defence in departmental proceedings. There is no substance in the apprehension expressed by the petitioner.

7. Dismissed.

8. Pending application(s) also stand disposed of.

04.03.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No