



CWP-9790-2021 (O&amp;M)

-1-

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

245

CWP-9790-2021 (O&amp;M)

Date of Decision: 01.04.2025

Lady Inspector Kamlesh

...Petitioner

**Versus**

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. S.K. Daaria, Advocate for the applicant

Ms. Palika Monga, Deputy Advocate General, Haryana

Mr. Parveen Chauhan, Advocate and

Mr. Ashish Kumar, Advocate for respondent No.4

\*\*\*

**JAGMOHAN BANSAL, J.** (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 16.04.2021 (Annexure P-5) and charge sheet dated 22.04.2021 (Annexure P-6) whereby respondent has initiated departmental proceedings against her.

2. The petitioner, during 2019, was posted as Station House Officer in Police Station Women, Rohtak. She was holding rank of ESI. One Lady ASI Rekha, posted at Police Station Women, Rohtak came to be arrested in FIR No.10 dated 27.09.2019 under Section 9 of Prevention of Corruption Act, 1988 (for short 'PC Act') registered at Police Station SVB, Rohtak. The respondent initiated departmental proceedings against the petitioner alleging that she has no control over her subordinates, thus, her act amounts to gross negligence in rendering official duties. Inquiry Officer came to be appointed who examined 8 prosecution witnesses. The petitioner



produced 3 witnesses in her defence. The Inquiry Officer vide report dated 22.12.2020 exonerated her from the alleged misconduct. The Disciplinary Authority vide order dated 23.09.2020 dropped departmental proceedings by accepting report of Inquiry Officer.

3. In the afore-stated FIR, the petitioner on the basis of disclosure statement of main accused i.e. Lady ASI Rekha came to be arrested. The respondent has initiated departmental proceedings on the ground that she was co-accused with Lady ASI Rekha. By impugned order dated 16.04.2021, the Disciplinary Authority has ordered to initiate departmental proceedings and charge sheet dated 22.04.2021 has been served upon her.

4. Ms. Palika Monga, Deputy Advocate General, Haryana submits that impugned charge sheet is based upon different set of allegations, thus, second charge sheet is maintainable.

5. From the perusal of record, it is evident that foundation of first and second charge sheet is FIR under Section 9 of PC Act against Lady ASI Rekha. In the first charge sheet, it was alleged that petitioner was negligent in controlling her subordinates and in the second charge sheet it was alleged that she was part of conspiracy. She was beneficiary of bribe money.

In the normal course, this Court does not interfere at the stage of departmental proceedings because department has right to continue proceedings despite pendency of criminal proceedings, however, the facts of instant case are peculiar and matter needs to be examined from different angle. The first charge sheet was based upon FIR No.10 dated 27.09.2019 and second charge sheet is also based upon said FIR. The criminal proceedings are pending at prosecution evidence stage. In these

**CWP-9790-2021 (O&M)****-3-**

circumstances, this Court finds it appropriate to direct the respondent to keep the departmental proceedings in abeyance till the conclusion of criminal proceedings.

6. Disposed of in above terms.

7. It is made clear that the afore-said order has been passed in peculiar facts and circumstances of the instant case and shall not be treated as precedent.

8. Pending application(s), if any, shall stand disposed of.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**01.04.2025**  
*Mohit Kumar*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No