



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

201-12

Decided on : 08.09.2025

**1. CM-1784-CWP-2020 in/and
CWP-12153-2013 (O&M)**

UNION OF INDIA AND ORS. . . Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.

. . . Respondents

**2. CM-1785-CWP-2020 in/and
CWP-12714-2013 (O&M)**

UNION OF INDIA AND ORS. . . Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.

. . . Respondents

**3. CM-1798-CWP-2020 in/and
CWP-12234-2013 (O&M)**

UNION OF INDIA AND ORS. . . Petitioners

Versus

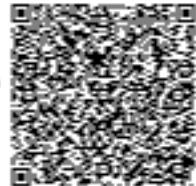
CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.

. . . Respondents

**4. CM-1807-CWP-2020 in/and
CWP-13778-2013 (O&M)**

UNION OF INDIA AND ORS. . . Petitioners

Versus



CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.

.... Respondents

5. **CM-1808-CWP-2020 in/and
CWP-12647-2013 (O&M)**

UNION OF INDIA AND ORS. . . Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.

.... Respondents

6. **CM-1856-CWP-2020 in/and
CWP-12148-2013 (O&M)**

UNION OF INDIA AND ORS. . . Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.

.... Respondents

7. **CM-1857-CWP-2020 in/and
CWP-11978-2013 (O&M)**

UNION OF INDIA AND ORS. . . Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.

.... Respondents

8. **CM-2365-CWP-2020 in/and
CWP-11992-2013 (O&M)**

UNION OF INDIA AND ORS. . . Petitioners



Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.
.... Respondents
9. CM-2389-CWP-2020 in/and
CWP-12126-2013 (O&M)

UNION OF INDIA AND ORS. . .Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.
.... Respondents

10. CM-1799-CWP-2020 in/and
CWP-12743-2013 (O&M)

UNION OF INDIA AND ORS. . .Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.
.... Respondents

11. CM-9019-CWP-2019 in/and
CWP-12122-2013 (O&M)

UNION OF INDIA AND ORS. . .Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.
.... Respondents

12. CM-1826-CWP-2020 in/and
CWP-20378-2013 (O&M)

UNION OF INDIA AND ORS. . .Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS.
.... Respondents



**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Mr. Rishabh Kapoor, Senior Standing Counsel
for petitioners-UOI (Through Virtual Mode).

Mr. Vipul Joshi, Advocate and
Mr. Piyush Kumar, Advocate for respondent No. 2.

HARSIMRAN SINGH SETHI , J. (Oral)

Present bunch of petitions alongwith applications, the details of which are mentioned in the heading, involve common point of law and common set of facts, hence, they are being dealt together. For the sake of convenience, the facts are being taken from CM-1784-CWP-2020 in/and CWP-12153-2013.

CM-1784-CWP-2020 and connected applications.

Present applications have been filed for revival of the main petitions, which were disposed of by this Court vide order dated 30.07.2013

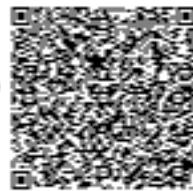
Notice of the application was issued vide order dated 28.02.2020 by the Co-ordinate Division Bench of this Court.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the same are allowed.

Consequently, the writ petitions are restored to its original number and status and the order dated 30.07.2013 is recalled. On the joint request of both the parties, the main writ petitions are taken up for hearing today itself.

CWP-12153-2013 and connected matters:

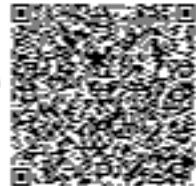
1. In the present bunch of petitions, the challenge is to the order



dated 28.01.2013 (Annexure P-3), passed by the Chandigarh Administrative Tribunal, Chandigarh Bench, Chandigarh (herein after referred to 'the Tribunal') by which, directions have been given by the Tribunal to the petitioner-department not to proceed with the departmental proceedings which have been initiated against the respondent-employee(s) on the ground that Criminal proceedings are pending before the CBI Court, Patiala, against the respondent-employee(s) qua the same incident, as the same will cause prejudice to them.

2. Learned counsel for the petitioners argues that the charges levelled against the respondents-employee(s) in the criminal proceedings is under Indian Penal Code, 1908 and The Prevention of Corruption Act, 1988 whereas the departmental proceedings have been initiated under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, hence, both the proceedings are entirely different. Learned counsel for the petitioner further argues that as per the settled principle of law, both the proceedings i.e. criminal proceedings and Departmental proceedings can continue simultaneously, hence, direction given by the Tribunal for keeping the departmental proceedings in abeyance, is liable to be set-aside.

3. Learned counsel appearing on behalf of the respondent-employee(s) submits that though, the charges levelled against the respondents-employee(s) are different in the departmental proceedings as compared to the allegations in the criminal proceedings but the incident qua which both the proceedings have been initiated is same, hence, the directions given by the Tribunal to keep the departmental proceedings in abeyance till the conclusion of the trial, is perfectly valid.



4. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

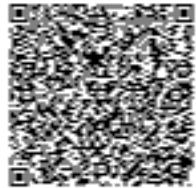
5. It may be noticed that the said issue of simultaneously holding departmental proceedings as well as criminal proceedings against an employee came up for consideration before the Hon'ble Supreme Court of India in *Shashi Bhusan Prasad versus Inspector General, Central Industrial security Force and others, (2019) 7 SCC 797*, wherein it has been held that as the criminal proceedings and departmental proceedings operate in fields and have different objectives, the same can continue simultaneously especially when the criminal trial is to inflict appropriate punishment on an offender and departmental proceedings is to impose penalty as per services regulations.

6. Thereafter, again the same question of law came up for consideration before the Single Bench of this Court in *CWP No. 5111 of 2024 titled as Mustaq versus State of Haryana and others, decided on 10.04.2024* wherein after considering the law on the said issue in detail, it has been held that the criminal proceedings as well as departmental proceedings initiated qua the same incident can continue simultaneously especially when charges have already been framed in the criminal trial.

The relevant paragraph No. 17 is as under:-

17 From the above said judgments, the following principles/conclusions emerge:-

1. *Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously though separately. (Specific reference*



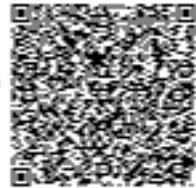
*in this regard can be made to the judgment in case of **Capt. M. Paul Anthony (supra)** (relevant portion of which is reproduced in Para 5 of the present order) and **State Bank of India and Ors. (supra)** (relevant portion of which is reproduced in Para 8 of the present order)*

2. *The approach and objective in the criminal proceedings and the disciplinary proceedings is altogether distinct and different inasmuch as in the disciplinary proceedings, the question is as to whether the employee is guilty of such conduct as would merit his removal from service or imposition of lesser punishment whereas in the criminal proceedings, the question is as to whether the offences registered against him are established and if established, what sentence is to be imposed upon him. (Specific reference in this regard can be made to the judgment in **Kendriya Vidyalaya Sangathan & Ors (supra)** (relevant portion of which is reproduced in Para 7 of the present order) and to **Shashi Bhushan Prasad vs. Inspector General, Central Industrial Security Force and others, reported as 2019(7) SCC 797** and also **LPA-470-2024** (relevant portion of which is reproduced in Para 10 of the present order)).*
3. *The mode of the enquiry, the rules governing the enquiry and trial as well as the standard of proof in criminal proceedings and in departmental proceedings are distinct and different and in a criminal case, charge has to be established beyond reasonable doubt whereas in the departmental proceedings, the*



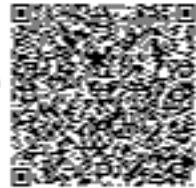
*charge of misconduct has to be established on the principle of “preponderance of probabilities”. (Specific reference in this regard can be made to the judgment of the Hon'ble Supreme Court of India in “**State of Karnataka and others vs. Umesh**”, reported as 2022 SCC Online SC 345 and LPA-470-2024 (relevant portion of which is reproduced in Para 10 of the present order).*

4. *There should be early conclusion of departmental proceedings so as to weed out any employee whose integrity/character has been put in doubt and to maintain discipline in service and efficiency of public service and also in case the employee is not guilty of any wrong doing, then his honour is required to be vindicated at the earliest. [Specific reference in this regard can be made to the judgment in the case **Dr.Balwinder Kumar Sharma's (supra)** (relevant portion of which is reproduced in Para 14 of the present order) and **Capt. M. Paul Anthony (supra)** (relevant portion of which is reproduced in Para 5 of the present order).*
5. *All the ingredients i.e., the departmental proceedings and the criminal case being based on identical and similar set of facts, charge in the criminal case being of grave nature involving complicated questions of law and facts are required to be met before the Court could consider the case of the employee for grant of stay of departmental proceedings during the pendency of the criminal case. (Specific reference in this regard can be*



*made to the case of **Capt. M. Paul Anthony (supra)**; **Indian Overseas Bank, Anna Salai and Anr (supra)** (relevant portion of which is reproduced in Para 6 of the present order); **State Bank of India and Ors. (supra)** (relevant portion of which is reproduced in Para 8 of the present order).*

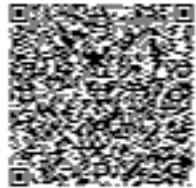
6. *Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge sheet. [Specific reference can be made to the judgment of **Capt. M. Paul Anthony (supra)**]. Even the question as to whether the case involves identical and similar set of facts would also have to be considered after taking into consideration the FIR, the report under Section 173 Cr.P.C. and the charges framed. [Reference in this regard can be made to the judgment of **Paramjit Kaur's (supra)**] (relevant portion of which is reproduced in Para 16 of the present order)*
7. *The fact that the departmental proceedings and the criminal case are based on identical and similar set of facts and the charges in the criminal case against the delinquent employee are of grave nature which involve complicated questions of law and facts also cannot be considered in isolation to stay the departmental proceedings and due regard must be given to the fact that the departmental proceedings cannot be unduly*



*delayed. [Specific reference in this regard can be made to the case of **Capt. M. Paul Anthony (supra)** (relevant portion of which is reproduced in para 5 of the present order) and **State Bank of India and Ors. (supra)**.] (relevant portion of which is reproduced in Para 8 of the present order)*

8. *Before granting stay of the departmental proceedings, special facts of the case are required to be mentioned, warranting stay of departmental proceedings. (Specific reference in this regard can be made to the judgment of **Kendriya Vidyalaya Sangathan & Ors (supra)** (relevant portion of which is reproduced in Para 7 of the present order). 9. In case all the above parameters are met and the stay of the departmental proceedings has been granted, then also in case, the criminal case is being unduly delayed, the departmental proceedings can be resumed and proceeded with so as to conclude them at an early date. (Specific reference in this regard can be made to the judgment of **Capt. M. Paul Anthony's case (supra)** (relevant portion of which is reproduced in Para 5 of the present order).*

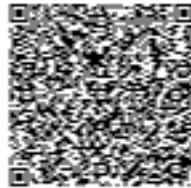
7. Alongwith **Mustaq's case (supra)** other writ petitions were also decided and **LPA No. 1146 of 2024 titled as ASI Pawan Kumar versus State of Haryana and others, decided on 08.05.2024** was decided by the Division Bench upholding the judgment in **Mustaq's case (supra)**, wherein it was held that the criminal proceedings and the departmental proceedings can operate simultaneously. The relevant paragraph No. 3 of the said judgment is as under :-



*“3. We have perused the FIR in question which talks about the demand of bribe as such for release of dumper vehicle of the complainant on superdari impounded in FIR No. 330 under Section 279, 304-A IPC, P.S. Ladwa, District Kurukhetra (Annexure P-5). The departmental proceedings as such are of the charges are of indiscipline and bringing a bad name to the image of the police on which the proceedings as such had been initiated. Thus, the ambit of the departmental proceedings is in a totally different frame and it would be governed by the fact that the departmental proceedings are to be decided on 'preponderance of probabilities' whereas on the criminal side, the charge has to be proved beyond a shadow of doubt. Even otherwise, keeping in view the law laid down in Capt. M. Paul Anthony's case (*supra*), as noticed by the learned Single Judge, the departmental proceedings cannot be delayed for times to come. The charge, as noticed, not being framed in the criminal proceedings weighed with the learned Single Judge to come to the conclusion that the appellant could be proceeded in any manner in the departmental proceedings and the charge has not been framed in criminal proceedings which would necessarily take a long time to conclude.*

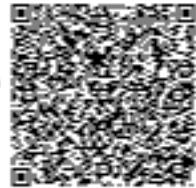
It may be further noticed that the judgment in Mustaq's case (*supra*) has attained finality upto the Hon'ble Supreme Court of India in SLP (C) No. 20674 of 2024 decided on 10.09.2024.

It may be noticed that again the same question of law again



came up for consideration before the learned Single Bench of this Court in the bunch of petitions including CWP No.15845 of 2023 titled as *Tulsi Dass versus State of Haryana and others and connected matters*, decided on 01.05.2024 and by considering the relevant law including *Mustaq's case (supra)*, it was held by learned Single Judge that the departmental proceedings and the criminal proceedings can continue simultaneously. Against the said judgment in *Tulsi Dass's case (supra)*, LPA NO. 1255 of 2024, titled as '*Tulsi Dass Versus State of Haryana and others*' was filed, which came to be dismissed by the Division Bench of this Court vide order dated 22.05.2024. Relevant paragraph No. 2 to 4 are 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.

3. *Apparently, LPA-1146-2024, ASI Pawan Kumar vs. State of Haryana and others, decided on 08.05.2024, filed against the decision rendered in a bunch of 35 cases, lead case of which was Mustaq's case (supra), has also been dismissed by the co-ordinate Bench on 08.05.2024. The view, thus, has been upheld. Even otherwise, LPA-470-2024, Ravi Kumar vs. State of Haryana and others has been dismissed on 15.03.2024 by Division Bench headed by one of us i.e. G.S. Sandhawalia, J. We had also come to the conclusion that the two proceedings, criminal and departmental, operate in different fields and have different objectives and therefore, we dismissed a similar appeal.*

The relevant portion reads thus:

“3. We have perused the FIR in question which talks about the demand of bribe as such for release of dumper vehicle of the complainant on superdari impounded in FIR No. 330 under Section 279, 304-A IPC, P.S. Ladwa, District Kurukhetra (Annexure P-5). The departmental proceedings as such are of the charges are of indiscipline and bringing a bad name to the image of the police on which the proceedings as such had been initiated. Thus, the ambit of the departmental proceedings is in a totally different frame and it would be governed by the fact that the departmental proceedings are to be decided on 'preponderance of probabilities' whereas on the criminal side, the charge has to be proved beyond a shadow of doubt. Even



otherwise, keeping in view the law laid down in Capt. M. Paul Anthony's case (supra), as noticed by the learned Single Judge, the departmental proceedings cannot be delayed for times to come. The charge, as noticed, not being framed in the criminal proceedings weighed with the learned Single Judge to come to the conclusion that the appellant could be proceeded in any manner in the departmental proceedings and the charge has not been framed in criminal proceedings which would necessarily take a long time to conclude.

4. *In LPA-565-2020, State of Haryana and others vs. Satis Kumar decided by Division Bench of this Court on 30.05.2022, authored by one of us G.S. Sandhawalia, J., we allowed the appeal of the State and dismissed the writ petition by keeping in mind the scope of both set of proceedings and the SLP filed against the same i.e. Special Leave to Appeal (C) No. 15243 of 2022 was also dismissed on 10.11.2022. Similar view was also taken in LPA-2096-2017, State of Haryana and others vs. Suresh Punia, decided on 09.09.2022 by Division Bench of this Court in which one of us i.e. G.S. Sandhawalia, J. was Member. SLP (Civil) bearing Diary No.22 of 2023 filed against the same also stands dismissed on 16.01.2023.*

5. *In State of Karnataka and others vs. Umesh, 2022 SCC Online SC 345, the employee had been proceeded against under the provisions of Prevention of Corruption Act, 1988 and had been acquitted after giving him the benefit of doubt. Resultantly,*

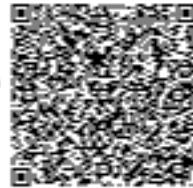


the Apex Court had gone on to hold that the principles which govern a disciplinary inquiry are distinct from those which apply to a criminal trial and in the former, the charge has to be established beyond reasonable doubt whereas in the later, the charge of misconduct has to be established on the principle of 'preponderance of probabilities'. It is also held that the rules of evidence which apply to both the procedures are distinct.

6. *A three-Judge Bench of the Apex Court in Shashi Bhushan Prasad vs. Inspector General, Central Industrial Security Force and others, (2019) 7 SCC 797 held that the two proceedings i.e. criminal and departmental operate in different fields and have different objectives. The objective of criminal trial is to inflict appropriate punishment on an offender whereas the purpose of inquiry proceedings is to deal with the employee departmentally and to impose penalty in accordance with the Service Rules.*

7. *In such circumstances, we do not find any reason to interfere in the judgment passed by the learned Single Judge. Accordingly, finding no merit in the present appeal, the same stands dismissed. All pending applications also stand disposed of accordingly.”*

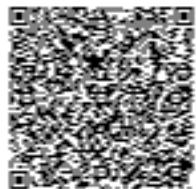
4. *A perusal of the present case would go on to show that the challenge as such was to the departmental proceedings initiated whereby the charge as such was of indiscipline, misconduct, lack of duty and lack of responsibility and tarnishing of the image of the police in view of the involvement in FIR 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.

8. Learned counsel for the respondents very fairly concedes that the charges have been framed against the respondents-employee(s) in the criminal trial though, subsequently, the proceedings have been stayed by the Competent Court of Law. That being so, once, the charges have already been framed by the competent Court of law, after conducting investigation, the prejudice which is being sought to be projected by the respondents is incorrect.

9. Even otherwise, the charges alleged against the respondents in the departmental proceedings are of causing loss to the state exchequer, whereas, in the criminal proceedings the charge is of connivance with the firm so as to allow them to import against the rules and thereafter, destroying the evidence hence, charges in the departmental proceedings are entirely different than the charges in the criminal proceedings though, the incident



remains the same.

10. Learned counsel for the respondents has not been able to cite any provisions which prohibits the continuation of the departmental proceedings against the respondents in the facts and circumstances of the case.

11. Further, arguments raised by the learned counsel for the respondents-employee(s) is that in exceptional cases, the Court is to see as to whether the interest of justice demands the staying of the departmental proceedings when the criminal proceedings are also been undertaken against the same employee. In the present case, no special/exceptional circumstances have been brought to the notice of this Court which would entitle the benefit of staying the departmental proceedings against the respondents-employee while conducting the Criminal proceedings.

12. Further, as the criminal proceedings have already been stayed against the respondents-employee(s), keeping the departmental proceedings in abeyance will trouble for the departments as there are serious allegations of causing loss to the estate exchequer and the respondents-employee(s) are continuing to perform their duties rather than actions are being taken against them.

13. Further, nothing has come on record as to how, the prejudice is being caused so as to keep the departmental proceedings in abeyance till criminal proceedings are finally concluded. Unless and until, any documents are placed on record with the facts that the witness are the same or the defence of the respondents remains the same, the benefit of staying of the departmental proceedings could not be granted to the respondents-



employee(s).

14. In the present case, it may be noticed that the criminal proceedings have been initiated under Indian Penal Code, 1908 and The Prevention of Corruption Act, 1988 whereas the departmental proceedings have been initiated under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 for wrongly calculating the liability of a particular firm while discharging the duties causing loss to the state exchequer which are entirely different.

15. Even otherwise, the learned counsel for the respondents has conceded that the charges/allegations in the criminal proceedings relates to the Prevention of Corruption Act, 1988, whereas the charges in the departmental proceedings relates to the causing loss to the state exchequer for not discharging the duties on the post properly as per service Rules.

16. In the present case, despite being requested, no such fact has been brought to the notice of this Court so as to conclude that the continuation of the departmental proceedings in the facts and circumstances of the present case especially when the criminal proceedings have already been stayed, are going to cause any prejudice to respondents-employee.

17. Keeping in view the totality of the facts and circumstances of the present case as well as the settled principle of law noticed herein above, not only the departmental proceedings as well as criminal proceedings can continue simultaneously as they operate in the different fields for different objectives, in the present case, the criminal proceedings and the departmental proceedings are entirely different, hence, in the totality of circumstances, the staying of operation of departmental proceedings against the respondents by



the Tribunal is not only contrary to the facts but also to the settled principle of law noticed herein above.

18. Keeping in view the above, the impugned order dated 28.01.2013 (Annexure P-3) passed by the Tribunal is hereby set-aside. However, department concerned will be free to proceed against the respondents in accordance with law in the department.

19. The present petitions are allowed.

20. Pending civil miscellaneous application(s), if any, stand disposed of.

21. A photocopy of this order be placed on the file of connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

08.09.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No