



2025:CGHC:48721-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 688 of 2025

1 - Chhattisgarh Rajya Gramin Bank Through The Chairman, Corporate Office, Sector 24, Plot No. 47, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.

2 - General Manager (Operation-2) Cum Disciplinary Authority, Chhattisgarh Rajya Gramin Bank, Corporate Office, Sector 24, Plot No. 47, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh

3 - Regional Manager, Chhattisgarh Rajya Gramin Bank, Regional Office, At Ambikapur, District Surguja (Ambikapur), Chhattisgarh

... Appellant

versus

1 - Piyush Verma S/o- Late Vinod Verma Aged About 38 Years Branch Manager (Suspended), Chhattisgarh Rajya Gramin Bank, Branch - Pasta, Tahsil-Rajpur, District - Surguja, Chhattisgarh, R/o - Behind District Hospital, Darripara, Kabir Ward, Ambikapur, P.S.- Manipur, Tahsil Ambikapur, District - Surguja (Ambikapur), Chhattisgarh.

2 - Sushil Tigga Enquiry Officer, Chhattisgarh Rajya Gramin Bank,
Branch Sitapur, District - Surguja (Ambikapur), Chhattisgarh

3 - Abhishek Badiyaar Presenting Officer, Chhattisgarh Rajya Gramin
Bank, Branch Sitapur, District - Surguja (Ambikapur), Chhattisgarh

... Respondent(s)

(Cause title is taken from CIS)

For Appellants : Shri Sabyasachi Bhaduri, Advocate.

For Respondent No. 1 : Shri Rishikant Mahobia, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

23.09.2025

1. Heard Shri Sabyasachi Bhaduri learned counsel for the appellants. Also heard Shri Rishikant Mahobia, learned counsel for the respondent no. 1.
2. This writ appeal has been preferred by the appellant assailing the order dated 12.03.2025 passed by the learned Single Judge in Writ Petition WPS No.6215/2023, whereby the writ petition preferred by the writ petitioner/respondent herein was allowed. For the sake of convenience, the parties would be referred as per their status before the learned Writ Court.

3. The brief facts of the case are that:

(1) the writ petitioner/ respondent No.1 herein was employed with the Appellant Bank, having initially joined as a Office Assistant, later promoted as Officer and posted as Branch Manager. During his tenure as Branch Manager at Branch Pasta, Regional Office Ambikapur, serious allegations of financial irregularities and misappropriation of Bank's funds came to light. Accordingly, a criminal case bearing FIR No 22 of 2022 was registered against him on 09.03.2022 for offences under Sections 409, 420 and 120- B IPC, and simultaneously, he was placed under suspension on 14.01.2022. According to learned counsel for the appellant parallel to the criminal case, the Bank, in exercise of its disciplinary jurisdiction, initiated a departmental enquiry against the Respondent. The charges were duly framed, articles of charge communicated, witnesses examined, and all procedural safeguards including opportunity of cross-examination were provided. During pendency of enquiry, the Respondent approached this Court in WPS No. 6215 of 2023, contending that on identical set of allegations, both the criminal trial and departmental enquiry were proceeding simultaneously, and therefore, the enquiry

be stayed.

(ii) According to learned counsel for the appellant interim order dated 10.11.2023, the learned Single Judge directed that no final order in the disciplinary proceedings be passed until further orders. In lieu of the same, the bank has proceeded with the departmental enquiry and the enquiry report was submitted on 15.02.2024, show cause notice was issued on 27.03.2024, and personal hearing was also granted on 10.05.2024. Thus, the entire departmental enquiry stood concluded, and only the final decision of the disciplinary authority remained pending.

4. By impugned order dated 12.03.2025 passed in WPS No. 6215/2023 the Single Judge allowed the writ petition, placing reliance on the judgment in **Capt. M. Paul Anthony v. Bharat Gold Mines Ltd., (1999) 3 SCC 679**, and held that the Bank could proceed with the departmental proceedings only after conclusion of the criminal trial.

According to learned counsel since a crucial fact that, the enquiry had already culminated and only the final order was pending, remained unnoticed during hearing of the writ

petition, the Appellant Bank filed MCC No. 696 of 2025, seeking modification/clarification of the order dated 12.03.2025. however, dismissed vide order dated 16.07.2025, holding that there was no apparent error on the face of the record warranting modification. The plea of the Appellant that omission to consider a vital fact amounts to a ground for correction in the interest of justice was not accepted. In these circumstances, the Appellant is left with no other efficacious remedy except to prefer the present Writ Appeal before this Hon'ble Court challenging both orders, as they have resulted in grave prejudice and miscarriage of justice to the Appellant Bank.

5. Learned counsel for the appellant submitted that a criminal case is pending against the respondent, Piyush Verma, which is now at the verge of completion, as only the evidence of the Investigating Officer remains to be recorded. He further pointed out that the departmental proceedings had already been permitted to continue pursuant to the interim order passed by the learned Single Judge, with the observation that no final order shall be passed at that stage. However, since the criminal trial is nearing completion and the respondent has

already laid down his defence, it was urged that the appellant be permitted to pass the final order in the departmental proceedings.

6. Learned counsel for the respondent/ writ petitioner opposed the arguments and the prayer advanced on behalf of the appellant, contending that the pendency of the criminal case ought to be taken into consideration before permitting the appellant to pass the final order in the departmental proceedings.
7. We have heard learned counsel for the parties and perused the material available in the record.
8. It is an admitted position that pendency of the criminal case does not bar the continuation or conclusion of departmental proceedings.
9. In the matter of **State Bank of India and Ors. Vs. P. Zadenga reported in 2023 (10) SCC 675**, Supreme Court has observed that it may be desirable or in certain circumstances advisable for disciplinary proceedings to be stayed pending criminal proceedings but it is not “matter of course”. It further held that proceedings to be stayed only for reasonable period of time

depending on circumstances of each case. Completion of trial to be construed as completion “within reasonable time frame” and the same cannot aid employee, more so per prolongation of trial. Paras 30 and 31 of the aforesaid decision read as under:-

30. Repetitive as it may sound, we reiterate the principle of law enunciated in Neelam Nag (supra) that the completion of trial must be construed as completion “within the reasonable time frame” and that the clause cannot come to the aid of the employee “more so”, for “prolongation on the trial”. In the instant case, the completion of the trial concerning the crime registered in the year 1996 is nowhere nearing completion.

31. As a principle of law, we have already observed that a departmental proceeding pending criminal trial would not warrant an automatic stay unless, of course, a complicated question of law is involved. Also, acquittal in a criminal case ipso facto would not be tantamount to closure or culmination of proceedings in favour of a delinquent employee.

10. The Supreme Court in the matter of **Stanzen Toyotetsu India Private Limited v Girish V. and Others** reported in **(2014) 3 SCC 636** held that the court has to be mindful of fact that the departmental proceedings cannot be suspended indigently or delayed unduly. In the case at hand, it is reported that the enquiry proceedings are pending since last about 8 years.
11. In view of the above facts and circumstances of the case and applying the well settled principles of law to the facts of the present case, and the order passed by this Court in W.A. No. 394/2025 decided on 24.07.2025, the present appeal stands disposed of with liberty to the appellant to pass the final order.
12. The respondent, if aggrieved thereby, shall be at liberty to avail appropriate remedies.
13. Accordingly, the writ appeal is disposed of.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice