



2025:PHHC:063125



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15246-2022 and other connected matters
Date of Decision:13.05.2025

Narender KumarPetitioner(s)

Versus

State of Haryana and othersRespondent(s)

Sr No.	Case Number	Title
2.	CWP-19655-2022	VINOD KUMAR V/S STATE OF HARYANA AND OTHERS
3.	CWP-28784-2022	ROHTASH SINGH V/S STATE OF HARYANA AND OTHERS
4.	CWP-8550-2023	SAMARPIT V/S STATE OF HARYANA
5.	CWP-17253-2024	BALWANT SINGH V/S STATE OF HARYANA AND OTHERS
6.	CWP-18081-2024	MAHESH KUMAR V/S STATE OF HARYANA AND OTHERS
7.	CWP-35597-2019	AJIT SINGH V/S STATE OF HARYANA AND OTHERS

Present: Mr. Manish Soni, Advocate, for the petitioner(s) in CWP Nos. 15246 and 28784 of 2022 and 18081 of 2024.

Mr. Kuldeep Choudhary, Advocate, for Mr. S.K. Verma, Advocate, for the petitioner(s) (in CWP-35597-2019).

Mr. Aditya Yadav, Advocate, for the petitioner(s) (in CWP-19655-2022).

Mr. R.K. Rana, Advocate, for the petitioner(s) (in CWP Nos.8550 of 2023 and 17253 of 2024).

Ms. Palika Monga, DAG, Haryana.



JAGMOHAN BANSAL, J. (Oral)

1. By this common order, above noted writ petitions are hereby adjudicated as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from ***CWP-15246-2022***.

2. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking direction to respondent not to proceed with the departmental inquiry initiated against him during the pendency of criminal trial in FIR No. 13 dated 26.10.2021 under Section 7 of the Prevention of Corruption Act, 1988 registered at P.S. SVB, District Gurugram. He is further seeking quashing of letter/order dated 02.11.2021 (Annexure P-3).

3. The petitioner joined Haryana Police Force as constable on 27.10.2000. He was promoted as Head Constable in 2008. He was further promoted as Assistant Sub Inspector in 2011 and Sub Inspector (ORP) in 2013. An FIR No.349 dated 23.11.2017 under Sections 420, 166, 167, 384, 465, 467, 468, 471, 409, 201, 120B IPC and Sections 7, 8, 10, 12, 1, 13(1)D, 13(1) E, 15 of Prevention of Corruption Act, 1988 (in short 'PC Act') at Police Station Shivaji Nagar, District Gurugram came to be registered against employees of Regional Transport Authority, Gurugram. The Investigating officer after completing investigation filed its report on 06.01.2019 against 23 persons. During further investigation, accused Balbir Singh was arrested and challan was presented against him 21.11.2020. The Trial Court framed charges on 08.03.2021.



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4. The respondent registered FIR No.13 dated 26.10.2021 under Section 7 of PC Act against the petitioner at P.S. SVB, Gurugram on the basis of statement of Balbir Singh who during investigation deposed that he had paid a sum of Rs.5,00,000/- through petitioner to the Investigating Officer of FIR No.349 dated 23.11.2017. The respondent on the basis of aforesaid FIR initiated departmental proceedings against the petitioner. An Inquiry Officer has been appointed to hold regular departmental inquiry.

5. Learned counsel for the petitioner submit that respondent has initiated departmental inquiry without seeking approval of District Magistrate in terms of Rule 16.38 of Punjab Police Rules, 1934 (as made applicable to the State of Haryana) (in short 'PPR'). As per said Rule, departmental proceedings cannot be initiated without concurrence of District Magistrate. The respondent as per its convenience and choice is seeking concurrence in few cases and proceeding in rest without concurrence. Approval is mandatory in nature, thus, proceedings arising out of charge sheet issued without prior approval of District Magistrate are null and void in the eye of law. Supreme Court in ***State of Haryana vs. Ranbir Singh, Civil Appeal No.5822 of 2008*** has clearly held that approval under Rule 16.38 is mandatory in nature. Similar view has been expressed by Himachal Pradesh High Court in ***Mohinder Singh vs. State of H.P. and others, 2019 SCC OnLine HP 3353.***

6. *Per contra*, learned State counsel submits that this Court in ***CWP-24413-2012*** titled as ***Constable Pale Ram vs. State of Haryana and others*** decided on 14.12.2012; ***CWP-8085-2012*** titled as ***Ishwar Singh vs. State of Haryana and others*** decided on 23.04.2014 and ***EHC Dhan Singh and others vs. State of Haryana and others, 2019 (1) PLR 81*** has held that



prior approval of District Magistrate *qua* departmental proceedings is not necessary where FIR has been registered. Once criminal proceedings are initiated, the departmental proceedings may be initiated without prior approval of District Magistrate.

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

8. In all the petitions, the police after completing investigation has already filed its report under Section 173 Cr.P.C. The trial is going on and in remaining cases charges stand framed.

9. The entire dispute revolves around reading of Rule 16.38 of PPR and the same is reproduced as below:-

"16.38. Criminal offences by police officers and strictures by courts-procedure regarding.—(1) Where a preliminary enquiry or investigation into a complaint alleging the commission by an enrolled police officer of a criminal offence in connection with his official relations with the public, establishes a prima facie case, a judicial prosecution shall normally follow. Where, however, the Superintendent of Police proposes to proceed in the case departmentally, the concurrence of the District Magistrate shall be obtained.

(2) Orders have been issued by the Hon'ble Judges of the High Court making it obligatory on all civil and criminal courts, whenever they make strictures on the personal character or professional conduct of a police officer, to send a copy of the judgment to the executive authorities, In the case of the High Court itself the copies will be forwarded to the State Government. In the case of all other courts (including Courts of Sessions), the copies will be sent by the Judges and Magistrates concerned to the District Magistrate.



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(3) In cases in which strictures are passed on the conduct of the police by a Sessions Court or by a Magistrate's court and no specific recommendation is made by the court making such strictures that an enquiry should be made, the District Magistrate will decide whether an investigation into the matter is necessary, and if so, whether it shall be conducted by a police officer or by a selected Executive Magistrate. After an investigation or enquiry, the procedure laid down in sub-rule (1) shall be followed, In cases in which the court passing strictures on the conduct of the police suggests that an enquiry should be made, the District Magistrate will comply with such request.

When strictures on the conduct of the police are made by the High Court and communicated to the State Government direct in accordance with sub-rule (2) above, the instructions of Government as to the action to be taken by the local authorities will be communicated to them through the ordinary channels. In cases in which the High Court suggests that an enquiry should be made, the State Government will give orders accordingly.

(4) Rules 24.14 and 24.15 provide for reports of all serious charges against the police being communicated to the State Government by a special report., In cases where such serious charges arise from strictures passed by criminal courts, the Superintendent of Police and the District Magistrate should communicate, either in the report itself or in a covering letter, the procedure which they propose to adopt and any information or notes in connection with the case which they consider should be brought to the notice of Government. Rule 24.15 provides the opportunity for Deputy Inspector General and Commissioners Similarly to communicate their comments to the State Government."



10. The aforesaid Rule came into force w.e.f. 23.08.1978. By notification dated 23.08.1978, the State of Haryana has substituted Rule 16.38 of PPR. Unsubstituted Rule 16.38 is reproduced as below:-

“16.38. Criminal offences by police officers and strictures by Courts - Procedure regarding. - (1) Immediate information shall be given to the District Magistrate of any complaint received by the Superintendent of Police, which indicates the commission by a police officer of a criminal offence in connection with his official relations with the public. The District Magistrate will decide whether the investigation of the complaint shall be conducted by a police officer, or made over to a selected Executive Magistrate.

(2) When investigation of such a complaint establishes a prima facie case, a judicial prosecution shall normally follow; the matter shall be disposed of departmentally only if the District Magistrate so orders for reasons to be recorded. When it is decided to proceed departmentally the procedure prescribed in rule 16.24 shall be followed. An officer found guilty on a charge of the nature referred to in this rule shall ordinarily be dismissed.

(3) Ordinarily a Magistrate before whom a complaint against a police officer is laid proceeds at once to judicial enquiry. He is, however, required to report details of the case to the District Magistrate, who will forward a copy of this report to the Superintendent of Police. The District Magistrate himself will similarly send a report to the Superintendent of Police in cases of which he himself takes cognizance.

(4) The Local Government has prescribed the following supplementary procedure to be adopted in the case of complaints against police officers in those districts where abuses of the law with the object of victimising such officers or hampering investigation is rife. The District Magistrate will order that all petitions against police officers shall be presented to him



personally. If he considers that these petitions are of a frivolous or factious nature, it is within his discretion to take no action on them. When he considers an enquiry to be necessary he will use his discretion whether to send the papers to the Superintendent of Police or to a Magistrate for judicial enquiry. In the case of formal criminal complaints, the District Magistrate will arrange for all cases to be transferred from other courts to his own.

(5) Orders have been issued by the Hon'ble Judges of the High Court making it obligatory on all civil and criminal courts, whenever they make strictures on the personal character or professional conduct of a police officer, to send a copy of the judgment to the executive authorities. In the case of the High Court itself the copies will be forwarded to the Local Government. In the case of all other courts (including Courts of Sessions), the copies will be sent by the Judges and Magistrates concerned to the District Magistrate.

(6) In cases in which strictures are passed on the conduct of the police by a Sessions Court or by a Magistrate's Court and no specific recommendation is made by the Court making such strictures that an enquiry should be made, the District Magistrate will decide whether an investigation into the matter is necessary, and if so, whether it shall be conducted by a police officer or by a selected Executive Magistrate. If he decides that an investigation shall be made, the procedure subsequent to such investigation shall be that laid down in sub-rule (2) above. In cases in which the court passing strictures on the conduct of the police suggests that an enquiry should be made, the District Magistrate will comply with such request in accordance with the procedure prescribed in paragraphs (1) and (2) above.

When strictures on the conduct of the police are made by the High Court and communicated to the Local Government direct in accordance with paragraph (5) above, the instructions of Government as to the action to be taken by the local authorities



will be communicated to them through the ordinary channels. In cases in which the High Court suggests that an enquiry should be made the Local Government will give orders accordingly.

(7) Rules 24.14 and 24.15 provide for reports of all serious charges against the police being communicated to the Local Government by a special report. In cases where such serious charges arise from strictures passed by criminal courts, the Superintendent of Police and the District Magistrate should communicate, either in the report itself or in a covering letter, the procedure which they propose to adopt and any information or notes in connection with the case which they consider should be brought to the notice of Government. Rule 24.15 provides the opportunity for Deputy Inspectors- General and Commissioners similarly to communicate their comments to the local Government."

11. It is settled proposition of law that special enactment overrides general enactments and special provision overrides general provisions. The petitioners are placing reliance upon Rule 16.38 of PPR, however, they have ignored Rule 16.40 of PPR which is a specific provision dealing with charges of corruption. Rule 16.40 of PPR provides that charges of corruption shall be enquired in the manner prescribed for departmental enquiries. Charges of specific acts of corruption shall be thoroughly investigated by competent officer and the preliminary investigation shall be followed by judicial prosecution or departmental charge according to the circumstances of each case. The said Rule for the ready reference is reproduced as below:-

"16.40. Method of dealing with charges of corruption-Charges of corruption shall be enquired into in the manner prescribed in this chapter for departmental enquiries generally. Charges of specific acts of corruption shall be thoroughly investigated by a competent officer, the provisions of rule 16.27 being utilised, if



necessary, and the preliminary investigation shall be followed by a judicial prosecution or a departmental charge according to the circumstances of each case. Departmental charges based on a general record of dishonesty may also be entertained in accordance with rule 16.25(2).

It is further ordered that, if five reputable persons join in making a written complaint regarding corruption, otherwise than in regard to a case in which they are personally interested directly or indirectly, concerning any police official, the departmental superior of the officer in question shall be bound to make full investigation and to inform the complainants of the results.”

12. From the conjoint reading of Rule 16.38 and Rule 16.40 of PPR, it is evident that Rule 16.38 is a general provision and it deals with complaints alleging commission of any criminal offence in connection with official relations with public whereas Rule 16.40 is a specific provision which deals with charges of corruption. Rule 16.40 has further categorized charges of corruption in two parts. First part deals with general charges of corruption whereas second part deals with specific acts of corruption. In case of charges of specific acts of corruption thorough investigation is conducted by competent officer and preliminary investigation is followed by judicial prosecution or departmental proceedings according to circumstances of each case.

In all the petitions in hand, there were charges of specific acts of corruption and competent authority registered case under PC Act. As there were specific allegations of corruption, second part of Rule 16.40 was applicable. Rule 16.38 of PPR was inapplicable in the case of petitioners because there were specific allegations of corruption against the petitioners. The authorities were supposed to initiate judicial prosecution or departmental



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proceedings depending on circumstances of each case. There is no requirement to seek concurrence of District Magistrate under Rule 16.40, thus, respondent has lawfully initiated departmental proceedings.

13. The Punjab Police Rules were inserted in 1934. The petitioners have been booked under different provisions of PC Act which is a special enactment and came into force w.e.f. 09.09.1988. The said Act came into force much later than PPR. In the said Act, offence as well as procedure for prosecution has been defined/prescribed. FIR for commission of offence punishable under PC Act is registered which is followed by police report under Section 173 Cr.P.C. Prosecution under PC Act has no bearing with PPR. The petitioners have been booked under PC Act which is a special law, thus, their prosecution has no concern with general law i.e. PPR. The petitioners under PPR are subjected to departmental proceedings as contemplated by Rule 16.40 read with 16.24. There is no requirement to seek concurrence of District Magistrate to initiate proceedings under Rule 16.24 read with 16.40.

14. From the perusal of marginal note of Rule 16.38 of PPR, it is evident that said Rule is regarding criminal offences committed by Police Officers and strictures by Courts. Sub-Rule (3) deals with a situation arising out of observations made by Judges of High Courts and Sessions Courts or Magistrate Courts. Sub-Rule (4) deals with recording of offences as per Rule 24.14 and 24.15. Sub-Rule (1) provides that normally judicial prosecution shall be followed if in the preliminary enquiry or investigation into a complaint alleging commission of a criminal offence in connection with official relations with public is *prima facie* established. For the appreciation of Sub-Rule (1), it would be appropriate to notice its attributes:



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- i) There is a complaint;
- ii) In the complaint it has been alleged that enrolled police officer has committed a criminal offence;
- iii) The offence has been committed in connection with official relations with public;
- iv) There is preliminary enquiry or investigation;
- v) In the preliminary enquiry or investigation, it is *prima facie* established that offence has been committed.

If the above ingredients are complied with, the authorities have to initiate judicial prosecution. The judicial prosecution may be initiated by way of registering FIR and thereafter filing police report or it may be by way of filing criminal complaint before the Trial Court. The said Sub-Rule further provides that where Superintendent of Police proposes to proceed in the case departmentally, the concurrence of District Magistrate shall be obtained.

15. The aforesaid rule is inapplicable to petitioners. Said rule is applicable where preliminary enquiry or investigation establishes commission of criminal offence. In the case of petitioners, no preliminary enquiry or investigation was conducted and straightway FIR was registered and they were arrested. Counsel for the petitioners attempt to plead that investigation commences after registration of FIR and expression 'preliminary' used in sub-rule (1) precedes enquiry and not investigation. Contention of petitioners cannot be countenanced. A conspectus of sub-rule (3) of Rule 16.38 and Rule 16.40 makes it clear that before initiating judicial prosecution, preliminary investigation or enquiry would be conducted. If observation with respect to conduct of police officer is made by Judge/Magistrate, it is choice of the



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District Magistrate to get the matter investigated by Police or selected Magistrate. There is no question of registration of FIR at this stage. Similar is reading of rule 16.40 of PPR.

16. The petitioners are claiming that concurrence of District Magistrate is mandatory for initiating departmental proceedings and said requirement has been carved out for the protection of police officials. The argument of petitioners is misconceived. The Rule provides that where preliminary enquiry or investigation *prima facie* establishes that offence has been committed, judicial prosecution shall normally be initiated. In a given case Superintendent of Police despite complaint alleging commission of offence, may form an opinion that departmental proceedings should be initiated. Initiation of departmental proceedings instead of prosecution is contrary to normal Rule, thus, it has been provided that concurrence of District Magistrate shall be obtained. If it is established in the preliminary enquiry or investigation that offence has been committed still departmental proceedings are initiated, it may prejudice interest of the complainant. Thus, it has been provided that concurrence of the District Magistrate shall be obtained. The object of seeking concurrence of District Magistrate is to ensure by an independent agency that departmental proceedings may be initiated instead of criminal proceedings.

17. In the original Rule, it was provided that information shall be given to District Magistrate of any complaint which indicates commission of offence by a Police Officer. It was further provided that District Magistrate shall decide whether investigation of the complaint shall be conducted by Police Officer or made over to a selected Magistrate. In sub-Rule (2), it was



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provided that if *prima facie* offence is established, prosecution shall follow. The matter shall be disposed of departmentally only if the District Magistrate so orders for reasons to be recorded.

In the substituted Rule, the requirement of information to District Magistrate at threshold stage has been dispensed with. The object is stark. There may be a case like demand of bribe where it is not possible to intimate to Magistrate and immediate action is required. Considering that situation, the Rule has been amended and requirement of Magistrate to decide as to whether complaint of commission of criminal offence should be inquired by police officer or Executive Magistrate has been dispensed with. From the original Rule also, it is evident that where it is decided that matter should be departmentally adjudicated, the concurrence of District Magistrate shall be obtained.

19. The petitioners are relying upon order passed by Supreme Court in **Ranbir Singh (Supra)**. In the case in hand, police has registered FIR against the delinquent and thereafter departmental proceedings have been initiated. Concurrence of District Magistrate is necessary where criminal proceedings are not initiated and departmental proceedings are initiated despite preliminary inquiry or investigation of a complaint establishing commission of criminal offence. A co-ordinate Bench of this Court in **Pale Ram (Supra)**, **Ishwar Singh (Supra)** and **EHC Dhan Singh (supra)** has clearly held that where FIR is registered, there is no requirement to seek concurrence of District Magistrate to initiate departmental proceedings. The relevant extracts of judgment in **Pale Ram (supra)** are reproduced as below:-



“Reliance upon Rule 16.38 of the 1934 Rules gain for challenging the impugned order is misplaced. Rule 16.38 of the 1934 Rules reads as follows:-

Rule 16.38

a) Criminal offences by police officers and strictures by courts-procedure regarding-

1) Where a preliminary enquiry of investigation into a complaint alleging the commission by an enrolled police officer of a criminal offence in connection with his official relations with the public, establishes a prima facie case, a judicial prosecution shall normally follow. Where, however, the Superintendent of Police proposes to proceed in the case departmentally, the concurrence of the District Magistrate shall be obtained.”

This Rule again would not be applicable to the case is hand for the reason that the said Rule comes into operation in case the punishing authority i.e. the Superintendent of Police instead of proceeding against the delinquent employee for judicial prosecution decides not to proceed for the same purpose and instead decides to take action departmentally. It is in this situation that the concurrence of the District Magistrate has to be obtained. Present is a case where judicial prosecution had followed the registration of an FIR against the petitioner. Apart from proceeding against the petitioner on the criminal side in the judicial proceedings, the Superintendent of Police has proceeded against him departmentally as well. In such a situation, the concurrence of the District Magistrate is not mandated under this Rule.

In view of the above, there is no merit in the present writ petition and, therefore, the challenge to the impugned orders cannot sustain.”

In Ishwar Singh (Supra) and Dhan Singh (Supra), opinion of **Pale Ram (Supra)** has been reiterated.



20. The petitioners have raised another issue that if departmental proceedings are not deferred at this stage and they are compelled to disclose their evidence during departmental proceedings, it would materially prejudice their stand in criminal proceedings. In support of their contentions, they rely upon judgment of Supreme Court in ***Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd., 1999(3) SCC 679*** and ***Eastern Coalfields Ltd. and others vs. Rabindra Kumar Bharti, (2022) 12 SCC 390***.

21. A question came up for consideration before a coordinate bench of this Court as to whether departmental proceedings can continue during the pendency of criminal proceedings if both the proceedings are based upon same set of allegations. The Court while adjudicating a bunch of petitions including ***CWP-5111-2024*** titled as ***Mustaq and others vs. State of Haryana and others*** decided on 10.04.2024 has held that the departmental proceedings can certainly continue despite pendency of criminal proceedings. The operative portion of judgment is reproduced herein:

“196. In the earlier part of the judgment, this Court after considering the law laid down by the Hon’ble Supreme Court as well as the Division Bench of this Court in various judgments had observed that apart from other factors one of the primary factors which the Court is to consider before considering as to whether the evidence of the common witnesses in the departmental proceedings is to be kept in abeyance till their examination in the criminal case, is to see as to whether complicated questions of law and facts are involved in the case or not. The judgments which were relied upon by this Court were those of Hon’ble Supreme Court in the case of Capt. M. Paul Anthony (supra), the relevant portion of which had been reproduced in para 5 of the present order; the judgment of



Hon'ble Supreme Court in the case of Indian Overseas Bank, Anna Salai and Anr (supra), the relevant portion of which had been reproduced in para 6 of the present order; the judgment of the Hon'ble Supreme Court in the case of State Bank of India and Ors. (supra), the relevant portion of which had been reproduced in para 8 of the present order; the judgment of Division Bench of this Court in LPA- 470-2024, in which the judgment of this Court in CWP-975-2024, decided on 16.01.2024 on the same issue was upheld and the relevant portion of the judgment of the Division Bench is reproduced in para 10 of the present order and also the judgment of the Division Bench of this Court in LPA-252-2021, decided on 23.07.2021, the relevant portion of which has been reproduced in para 12 of the present order. No complicated question of law or fact has been brought to the notice of this Court nor any judgment has been cited by the counsel for the petitioner to show that the facts of the present case give rise to complicated question(s) of law or facts. This Court is of the opinion that no complicated question(s) of law or facts arise in the present case so as to fulfill one of the essential ingredients for considering stay of departmental proceedings. Further, no special facts arise in the present case, which are required to be mentioned, as per the law laid down by the Hon'ble Supreme Court in Kendriya Vidyalaya Sangathan & Ors (supra) warranting stay of departmental proceedings, rather the allegations against the petitioner are such that the departmental proceedings are required to be culminated expeditiously.

197. It would be relevant to note that in the criminal case, the report under Section 173 Cr.P.C. as noticed hereinabove, has already been filed and the statements of all the witnesses under Section 161 CrPC have already been recorded and a copy of the same has been given to the petitioner/accused and it is for the prosecution to prove the case against the petitioner by relying upon the evidence of the witnesses whose statements have already been recorded under Section 161 CrPC and the



documents which form a part of the report under Section 173 CrPC and thus, the plea of prejudice raised is misconceived. The Division Bench of this Court in Dr.Balwinder Kumar Sharma's (supra), the relevant portion of which has been reproduced in para 14 of the present order, had observed as under: -

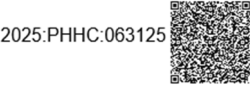
“Therefore, there is no question of any disclosure of defence in the departmental proceedings. As far as the various provisions of Prevention of Corruption Act , 1988 are concerned, most of the provisions are to be proved by the prosecution during the course of trial except the one concerning "known sources of income", which again is within the special knowledge of accused-petitioner. Hence, there seems to be no justification in the prayer made by petitioner for staying of disciplinary proceedings.”

The SLP against the said judgment has been withdrawn.

Thus, keeping in view the principles enumerated in paragraph 17 of the present judgment and the abovesaid facts, there is no ground to accept the argument of learned counsel for the petitioner to the effect that till the time common witnesses are examined in the criminal case, the said witnesses should not be examined in the departmental proceedings and thus, the writ petition being meritless, deserves to be dismissed and is accordingly, dismissed.

198. It is made clear that this Court has not opined on the merits of the allegations either in the criminal proceedings or in the departmental proceedings and the trial Court in the criminal case as well the competent authority in the departmental proceedings would consider and adjudicate /decide the same independently, in accordance with law.”

22. The aforesaid judgment was assailed in Intra-Court appeal i.e. LPA No. 1221 of 2024 which came to be dismissed. Besides said appeal, LPA



No.1255 of 2024 titled as “*Tulsi Dass vs. State of Haryana and others*”, LPA No.1146 of 2024 titled as “*ASI Pawan Kumar vs. State of Haryana and others*” on the similar issue have been dismissed.

23. From above, it is evident that a Co-ordinate Bench of this Court has dismissed a bunch of petitions involving identical facts and issues. The judgment passed by learned Single Judge stands upheld by a Division Bench of this Court.

24. In the light of above-cited judgments, 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.

25. The Supreme Court in **Eastern Coalfields (supra)** has not held that departmental proceedings, especially when there are allegations of corruption, cannot continue on the ground that criminal proceedings are pending before Trial Court.

26. In the backdrop, all the petitions stand dismissed. It is hereby made clear that departmental authorities shall adjudicate pending proceedings without being influenced by dismissal of these petitions. This Court has not expressed its opinion on merit.

13.05.2025
shivani (JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	Yes