
(1994) 09 AP CK 0025

In the Andhra Pradesh High Court

Case No : Writ Petition No. 17382 of 1994

Mohd. Shafiuddin

APPELLANT

Vs

A.P.S.R.T.C., Hyderabad and Others

RESPONDENT

Date of Decision : 29-09-1994

Acts Referred:

Citation : (1994) 3 ALT 262 : (1996) 1 LLJ 490

Hon'ble Judges : B. Subhashan Reddy, J

Bench : Single Bench

Judgement

B. Subhashan Reddy, J.—Disciplinary action has been initiated against the petitioner on the ground that he has caused an accident by driving the bus in a rash and negligent manner and at high speed resulting in the death of a cyclist. Apart from the said action, criminal prosecution can also be launched simultaneously. This position of law cannot be doubted. But, Mr. T. Panduranga Chary, the learned counsel for the petitioner, has placed before me a decision of the Supreme Court rendered in P.J. Sunderrajan and Another Vs. Unit Trust of India and Another, in support of his argument that till the criminal trial is concluded, departmental proceedings should not go on, and they should be stayed necessarily. He has also produced before me an interim order passed by a learned single Judge of this Court on 3-8-1994 in W. P.M. P. No. 17144 of 1994 in Writ Petition No. 13996 of 1994. Be it the Supreme Court judgment or the order of a learned single Judge which have been cited, they rest on the facts arising in those cases and there is no principle of law stated that as a rule, the departmental enquiry should be stayed till the criminal trial is concluded. It was held in Kusheshwar v. M/s. Bharat Coking Coal Ltd. 1988 II CLR 497 that, it is desirable, if the facts of a given case warrant, to stay the departmental proceedings. As such, the principle of law, which can be culled out, is that merely because there is a departmental proceeding and also simultaneous criminal proceeding, it is not necessary that per force the departmental proceedings should be stayed pending conclusion of the criminal trial. It depends upon the facts of each case as to whether circumstances warrant the stay of disciplinary

proceedings pending conclusion of criminal trial.

2. Having perused the records in the instant case and hearing the arguments of the learned counsel for the petitioner, I am of the considered view that there are no circumstances warranting the stay of departmental proceedings. I have got reason to say that because even if criminal trial ends in acquittal in favour of the petitioner, the same does not bar inflictment of punishment in a disciplinary proceeding on the basis of the evidence adduced before the disciplinary authority.

3. Mr. T. Panduranga Chary, the learned Counsel for the petitioner, complains that even though Joint Accident Enquiry Committee was constituted to enquire into the matter and submitted a report, which is to be based in the disciplinary proceeding against the petitioner, the same has not been furnished to the petitioner and this violates principles of natural justice. I concur with this argument and direct the disciplinary authority to furnish a copy of this report, free of cost, to the petitioner before proceeding further with the enquiry.

4. Subject to the above direction, this Writ Petition is dismissed at the stage of admission. No order as to costs.