
(2002) 10 AHC CK 0031
In the Allahabad High Court
Case No : C.M.W.P. No. 46595 of 2002

Raj Bali

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 28-10-2002

Acts Referred:

Penal Code, 1860 (IPC) — Section 409, 420, 466, 468, 471

Citation : (2002) 5 AWC 4108

Hon'ble Judges : Rakesh Tiwari, J;M. Katju, J

Bench : Division Bench

Advocate : C.B. Yadav, for the Appellant;

Final Decision : Dismissed

Judgement

1. This writ petition has been filed against the impugned charge-sheet dated 15.3.2000 and additional charge-sheet dated 3.6.2000, Annexures-8 and 9 to the writ petition.

2. Heard learned Counsel for the parties.

3. The Petitioner at the relevant time was working as Tahsildar at Tahsil Mahrauni, district Lalitpur. It appears that an F.I.R. has been lodged against the Petitioner on 9.3.2000 vide Annexure-5 to the writ petition under Sections 409/420/466/468/471, I.P.C. in police station Mahrauni, district Lalitpur. In this F.I.R., it is alleged that an investigation was made into the record of Tahsil Mahrauni and it was reported that a large scale embezzlement had taken place by the Petitioner. The full details are given in the said F.I.R.

4. Apart from the criminal proceedings, departmental proceedings have also been initiated against the Petitioner by the impugned charge-sheets dated 15.3.2000 and 3.6.2000, Annexures-8 and 9 to the writ petition. The submission of the learned Counsel for the Petitioner is that the departmental proceedings and criminal case cannot go on simultaneously, and he has prayed for staying of the departmental proceedings till the conclusion of the criminal case.

5. Learned Counsel for the Petitioner relied on the Supreme Court decision in the case of Capt. M. Paul Anthony v. Bharat Gold Mines Limited and Ors. 1999 (2) AWC 1579 (SC): 1999 (2) ESC 1009. This Court in Radhey Shyam Pandey Vs. State of U.P. and another, , has distinguished the decision of the Supreme Court in Capt. M. Paul Anthony's case (supra). This Court referred to several Supreme Court decisions and came to the conclusion that there cannot be any hard and fast rule that whenever criminal proceedings as well as departmental proceedings are going on, the departmental proceedings must in every case be stayed. It all depends on the facts of the each case. This Court also observed that when there are grave charges against an employee of embezzling public funds, disciplinary proceedings should not be stayed since in the cases of embezzlement of huge amount of public funds, the entire economy and social system of the country is adversely affected. Everyone knows that there is corruption and financial irregularity on a large scale in our country and this is playing havoc with the economy. The departmental proceedings should only be stayed in the case of murder, assault, etc. which are of personal nature and do not affect the society and the economy as a whole.

6. Following, the decision in the case of R. S. Pandey (supra) this petition is dismissed.