

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No.: W.P. No.19036 of 2022

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
1)	05.07.2022	<p><u>KVL, J</u></p> <p>Notice before admission returnable in four (4) weeks.</p> <p>This Writ Petition is filed seeking stay of departmental enquiry initiated against the petitioner as the charges in Criminal Case No.22 of 2016 and in the departmental enquiry are one and the same.</p> <p>The case of the petitioner is that the charges pertain to dereliction of duties and misappropriation of the amount which was collected for water tax and property tax for the years 2004-05 to 2011-12 and CC No.22 of 2016 is pending for trial before the learned Judicial Magistrate of First Class, Rajampet and all the records were handed over to the Hon'ble Judicial Magistrate of First Class, Rajampet and hence departmental enquiry is liable to be stayed.</p> <p>Learned counsel for the petitioner has relied upon the judgment in Capt. M. Paul Anthony v. Bharat Gold Mines Limited (JT 1999 (2) SC 456), wherein the Hon'ble Supreme Court observed as follows.</p> <p>"The conclusions which are deducible from various decisions of this Court are:</p> <p>(i) Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.</p> <p>(ii) If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employees is of a grave in nature which involves</p>	

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		<p>complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.</p> <p>(iii) 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.</p> <p>(iv) The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the departmental proceedings but due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.</p> <p>(v) If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee found not guilty his honour may be vindicated and in case he is found guilty, administration may get rid of him at the earliest."</p> <p>Learned counsel for the petitioner submits that in similar facts and circumstances, this Court in WP No.6870 of 2022, dated 23.03.2022, passed an interim order staying the departmental proceedings.</p> <p>In view of the facts and circumstances, there shall be interim stay as prayed for till 30.08.2022.</p> <p>List the matter on 30.08.2022.</p> <p style="text-align: right;">KVL, J</p> <p>Nsr</p>	

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