

GAHC010269342024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6856/2024

AMIT RAJ CHOUDHURY
S/O PARESH CHOUDHURY
R/O NABADAY APARTMENT,
2-D, SINAKI PATH, MOTHER TERESA ROAD, P.S. GEETANAGAR,
DIST. KAMRUP (M), ASSAM
PIN-781024

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY, GOVERNMENT
OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR, GUWAHATI-
781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM

HOME (A) DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM

HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE DIRECTOR GENERAL OF POLICE

ULUBARI
GUWAHATI-78100

Advocate for the Petitioner : MR. M SMITH, MR. R A PRAMANIK,MR. A K BARUAH

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

20.12.2024

Heard Shri A.K. Baruah, learned counsel for the petitioner whose primary grievance is the parallel proceeding of a departmental enquiry *vis-a-vis* a criminal case on the same set of charges.

It is the case of the petitioner that in the criminal case, the stage is for framing of charges and in the disciplinary proceeding pursuant to the Show Cause Notice dated 30.11.2023, he had submitted his reply in June, 2024 whereafter the matter has not proceeded. The apprehension of the petitioner is that, if he has to disclose his defence in the disciplinary proceeding, he would suffer prejudice in the criminal case.

Let notice be issued, returnable by 4 (four) weeks.

Shri J.K. Goswami, learned Addl. Senior Government Advocate, Assam accepts notice on behalf of all the respondents.

Extra copies of the writ petition be served upon Shri Goswami, the learned Addl. Senior Government Advocate within 2 (two) working days.

Shri Baruah, the learned counsel for the petitioner prays for an interim order.

The law in this field is well settled that there is no strict restriction of parallel proceeding of a criminal case along with a disciplinary proceeding. However, in the judgment of ***M/S Stanzen Toyotetsu India Pvt. Ltd vs. Girish V & Ors.*** reported in **(2014) 3 SCC 636**, the Hon'ble Supreme Court has laid down as a general principle a period of one year for completion of the criminal case.

In view of the above principle and to balance the equities, it is directed that till the returnable date, further proceedings in the disciplinary enquiry shall remain suspended.

On the next date, the learned State Counsel shall obtain the instructions and place before the Court regarding the stage which the disciplinary proceeding had reached till today.

It is submitted that there are similar matters including WP(C) No.3705/2024.

List this matter along with WP(C) No.3705/2024.

JUDGE

Comparing Assistant