

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 588/2025

Ishvinder Singh Ranyal

.....Appellant(s)/Petitioner(s)

Through: Mr. Sunil Sethi, Sr. Advocate with
Ms. Vanya Gupta, Advocate
Mr. Rudra Sharma, Advocate

vs

J&K Bank Ltd. and Ors.

..... Respondent(s)

Through: Mr. M K Bhardwaj, Sr. Advocate with
Mr. Akash Gupta, Sr. Advocate

Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER
12.03.2025

1. Petitioner is aggrieved of departmental enquiry, initiated against him, pursuant to charge sheet dated 27.02.2024, primarily on the ground that on the same set of charges, FIR no. 10/2024 came to be lodged, which culminated in a final report against him in the competent Court of law and learned trial Court has posted the matter for orders on charge/discharge. It is contention of the petitioner that since both the proceedings are based on same set of facts and evidence is common, in case he is forced to cross examine the witnesses in the departmental enquiry, it may be prejudicial to his defence in the criminal trial.
2. Mr. M K Bhardwaj, learned Senior counsel has appeared for the respondents.
3. Heard learned Counsels for the parties.

4. Mr. Sethi, learned Senior counsel for the petitioner has relied upon **M. Paul Anthony v/s Bharat Gold Mines Ltd. And Anr., (1999) 3 SCC 679** to reiterate the grounds urged in the memo of petition.
5. *Per Contra*, Mr. Bhardwaj, has relied upon **Shashi Bhusan Prasad v. Inspector General Central Industrial Security Force and Ors.; 2019 Legal Eagle (SC) 801**, to oppose the plea on the predominant premise that charges against the petitioner in the departmental enquiry and criminal prosecution are different.
6. There is no quarrel to the settled position of law that criminal and departmental proceedings operate in different fields and have different objectives. It is equally trite that departmental proceedings and proceedings in a criminal case can proceed simultaneously, if they are based on identical and similar set of facts.
7. In **Shashi Bhusan Prasad**, charge against the appellant in criminal case was in committing an offence under Section 302/392 IPC and Section 25(1)(a) of the Arms Act, while in the departmental enquiry, the charge was of delinquency which he allegedly committed in discharge of his duties in handing over an unlicensed fire arm with ammunitions to somebody. Hon'ble Supreme Court, in the said case distinguished **M. Paul Anthony**, because appellant was already acquitted in the criminal case and charges against him in the criminal case and departmental proceedings were on different set of facts and there was no co-relationship in the evidence. In the present case, however, if the articles of charge and final report against the petitioner

are glanced over, *prima facie* it appears that background facts of the case are identical and trial is also at the stage of infancy.

8. *Prima facie*, case for indulgence is made out.

9. Notice.

10. Mr. Akash Gupta, Advocate waives notice on behalf of the respondents. He seeks and is granted two weeks' time to file response, with a copy in advance to the other side, who on receipt of the same shall respond to the same within one week thereafter.

11. List on 09.04.2025 amongst first five cases.

12. Meanwhile, departmental enquiry against the petitioner shall stay.

Jammu
12.03.2025
Sushant



(Rajesh Sekhri)
Judge