

PUNJAB STATE ELECTRICITY BOARD
(OFFICE OF SECRETARY/LEGAL, PATIALA)

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To

1. All Engineer-in-Chiefs/CMS/Grief Engineers
-in PSEB/IG(V&S) PSEB, Patiala.
2. All Dy. CEs/SES/Addl. SES/Sr. XENS in PSEB
3. All Joint Secretaries/Dy. Secretaries/Under
Secretaries in PSEB.
4. All CAs/CCF/CA/Cost Controller in PSEB.

Memo No. 157490/158290 /LB- () 234/92

Dated: - 23-12-99.

Subject: Simultaneous conduct of Departmental &
Criminal Proceedings.

On the subject, a good number of cases are usually referred to this office from time to time by different offices/authorities of the Board raising the question as to whether simultaneous departmental proceedings can be initiated/conducted against an employee during pendency of criminal case.

Recently, the Supreme Court of India in Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. and another reported as 1995(2) Apex Court Journal 241 S.C. has laid down certain guidelines which are as under:-

- (i) Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately;
- (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

-contd-

employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.

(iii) Whether the nature of a charge in a criminal case is grave and whether complicated question 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,

(iv) The factors mentioned at (ii) & (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.

(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 & proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, administration may get rid of him at the earliest.

Accordingly, it is advised that the above guide-lines may be kept in mind and followed whenever situation warrants.

Under Secretary / Legal,
for Secretary, PSEB, Patiala.

For information to:

CC:

- 1)
- 2)

By Secretary to Chairman, PSEB, Patiala.
Sr. Private Secretaries to Members/Secretary
PSEB, Patiala.