

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).5751/2023

(Arising out of impugned final judgment and order dated 21-02-2023 in A482 No.1208/2019 passed by the High Court of Judicature at Allahabad)

SHIV MURAT

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.92244/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.92241/2023-EXEMPTION FROM FILING O.T. and IA No.92240/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 08-08-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Divyesh Pratap Singh, AOR
Ms. Shivangi Singh, Adv.
Ms. Ishita Bedi, Adv.
Mr. Suraj Prakash Singh, Adv.
Mr. Jai Inder, Adv.
Ms. Ranjana Singh, Adv.
Ms. Shivani Singh, Adv.
Mr. Naman Bhardwaj, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The petitioner, who is facing criminal prosecution on certain charges relating to his service as a Divisional Accounts Officer, challenges the order of the Special Judge and of the High Court, whereunder his discharge application was rejected.

The primary contention of the petitioner is that

disciplinary proceedings were initiated against the petitioner on the same set of allegations.

Mr. Divyesh Pratap Singh, the learned counsel, would refer to the communication dated 03.03.2011 to the Chief Engineer addressed by the Inspection Officer to point out that the charges, which were leveled against the petitioner pertaining to the work on the link road was considered and it was found from the measurements done at site that the soil and the track work were completed. Thus, it was found that the allegations are not proved against the petitioner.

The learned counsel would submit that when the standard of proof in a criminal proceeding is much higher than in the departmental proceedings, the initiation of criminal action on the same set of facts is unjustified as because it would be difficult to prove the criminal case beyond reasonable doubt, as is expected in a criminal proceeding.

Issue notice, returnable in four weeks.

In the meantime, the criminal proceedings against the petitioner is stayed.

(RAVI ARORA)
PS TO REGISTRAR

(RENU BALA GAMBHIR)
COURT MASTER (NSH)