



2026:AHC:40154

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2610 of 2026

Raj Bahadur Prasad

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Hari Prakash Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Shri Hari Prakash Tiwari, learned counsel for the writ petitioner, and Shri Gaurav Singh, learned Standing Counsel.

2. The grievance of the writ petitioner is that though he was appointed as Junior Assistant, however, he was suspended on 24.04.2025. Thereafter a charge sheet came to be served on 05.06.2025, and the petitioner tendered his reply to the charge sheet on 04.09.2025, but despite the fact that the charges which have been sought to be leveled pursuant to the departmental charge sheet is self-same which is subject matter of criminal proceedings and the writ petitioner has been enlarged on bail in Criminal Bail Application No. 21514 of 2025 on 22.07.2025. Contention is that departmental proceedings cannot be allowed to be proceeded with once the self same allegations are in criminal base and reliance has been placed upon the decision in *Capt.M. Paul Anthony vs Bharat Gold Mines Ltd. & Anr*, 1999 3 SCC 679.

3. Shri Gaurav Singh, learned Standing Counsel submits that the petitioner has already responded to the charge sheet, and it is always open for the writ petitioner to raise all legal and factual grounds, which shall be considered.

4. Considering the submissions so made across the Bar, the writ petition stands **disposed of** leaving it open for the writ petitioner to raise all legal and factual issues, including the issue regarding continuance of departmental proceedings on the pretext that the allegations are self same in the

departmental proceedings. The authority shall consider the said aspect of the matter and also bearing in mind the fact that the suspension order has been passed on 22.04.2025.

February 23, 2026
N.S.Rathour

(Vikas Budhwar,J.)