



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

D.B. Civil Writ Petition No. 12378/2026
CNR: RJHC010548812026
URN: CW / 22444U / 2026

Sushil Kumar Kumawat S/o Sh. Badri Prasad Prajapat, Aged
About 38 Years, R/o Street No. 8, R.t.o. Road, Lal Singh Colony,
Radhakishanpura, Sikar, At Present Postal Assistant, Sub-Post
Office Shastri Circle, Udaipur (Raj.).

-----Petitioner

Versus

1. Union Of India, Department Of Posts Circle Office,
Rajasthan Jaipur-302004.
2. The Post Master General, Rajathan Southern Region
Ajmer-305001.
3. The Senior Superintendent Of Post Offices, Department Of
Post, India Udaipur Division Udaipur-313004.
4. The Post Master, Department Of Posts, Udaipur Ho-
313004.

-----Respondents

For Petitioner(s)	:	Dr. Himmat Singh Shekhawat
For Respondent(s)	:	Mr. Shyam Paliwal, Dy.S.G. with Mr. Vishal Kumar Thakur

**HON'BLE MR. JUSTICE MUNNURI LAXMAN
HON'BLE MR. JUSTICE ANUROOP SINGHI**

Order

09/07/2026

1. Heard on the final disposal at the admission stage.
2. The present writ petition has been filed challenging the
order dated 19.05.2026 passed by the Central Administrative
Tribunal, Jodhpur Bench, Jodhpur (**CAT**), vide which the challenge
made by the petitioner to the memorandum of charge sheet dated
02.08.2024 and consequential continuation of departmental



proceedings has been rejected and the Original Application (**OA**) filed by the petitioner has been dismissed.

3. The case of the petitioner is that he was posted as a Postal Assistant at Mavli Sub-Post Office. During the course of his service, allegations of embezzlement, conspiracy, fabrication of records in collusion with other employees, misappropriation of funds, and criminal breach of trust were levelled against him by the staff working under him. Consequently, departmental proceedings were initiated against the petitioner. Simultaneously, a criminal complaint/FIR based on the very same allegations was also lodged against him.

The stage of the departmental proceedings is that one out of the seven witnesses has already been examined and cross-examined and at that stage the petitioner filed an OA challenging the simultaneous and parallel continuation of the departmental as well as criminal proceedings arising out of the same allegations against him, which came to be rejected vide order dated 19.05.2026, aggrieved by which the present writ petition has been filed.

4. Learned counsel appearing for the petitioner submits that although the departmental charge reflects supervisory negligence, its determination necessarily involves adjudication of allegations relating to fabrication of documents and misappropriation of the employer's funds. Learned counsel submits that the petitioner, along with the other accused employees, is already facing a criminal trial based on the very same allegations and if the departmental proceedings are allowed to be continued, the petitioner would be compelled to disclose his defence well in advance, which would not only impact but also would prejudice his



right to a fair trial in the pending criminal proceedings, therefore, the departmental proceedings deserve to be stayed till the conclusion of the criminal trial.

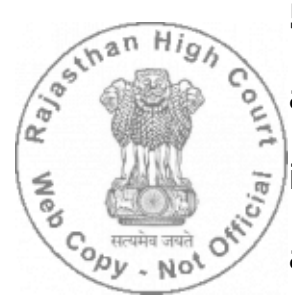
5. It is also his contention that if the departmental proceedings are allowed to continue and get concluded before the criminal trial is concluded, the petitioner would be deprived of the benefit of an acquittal in the criminal case, if any, while seeking reinstatement or other consequential service benefits.

6. In support of his contentions learned counsel has relied upon the decision of the Hon'ble Supreme Court in the case of **Ramlal Versus State of Rajasthan and Others** reported in **(2024) 1 SCC 175** and order passed by a Co-ordinate Bench of this Court in **D.B. Special Appeal (Writ) No.628/2024** titled as **Leelavati Versus State of Rajasthan & Ors.**

7. In repudiation, learned counsel for the respondents submits that there is no prohibition under law against simultaneous continuation of the departmental as well as criminal proceedings, and the departmental proceedings can only be stayed if the petitioner is able to make out that his case falls under the exceptions as carved by the Hon'ble Supreme Court in the case of **Capt.M. Paul Anthony Versus Bharat Gold Mines Ltd. & Anr.** reported in **(1999) 3 SCC 679.**

Learned counsel submits that in order to stay the departmental proceedings, the petitioner is required to make out that the allegations against him are of grave and serious nature and involve complicated question of fact and law.

8. Learned counsel for the respondents further relies upon the judgment of the Hon'ble Supreme Court **in Kendriya Vidyalaya**





Sangathan & Ors. v. T. Srinivas, (2004) 6 SCC 4, to contend that even if the allegations are of grave and serious nature, the advisability, desirability or propriety, as the case may be of staying the departmental inquiry has to be determined in each case taking into consideration all facts and circumstances of the case and the stay of departmental proceedings cannot be and should not be a matter of course. Thus, he prayed that the writ petition be dismissed.

9. We have heard the learned counsel for the parties and perused the material available on record, including the impugned order passed by the CAT.

10. The charges levelled against the petitioner in the departmental proceedings are founded upon allegations of forgery, conspiracy, misappropriation, criminal breach of trust, and embezzlement involving an amount of Rs. 16,92,77,268/-.

11. The departmental proceedings in the present case were initiated in the year 2024. Owing to the delay in concluding the disciplinary proceedings, the respondents were constrained to revoke the petitioner's suspension and reinstate him in service vide order dated 21.08.2024. It is also a matter of fact that the criminal trial is still pending and is presently at the stage of framing of charges and there are claims and counter-claims regarding certain piece of evidence which the prosecution has relied upon and adjudication is pending in this regard.

12. The principles governing the continuation of simultaneous departmental and criminal proceedings are well enunciated by the Hon'ble Supreme Court in the case of ***Capt. M. Paul Anthony***



(supra). In this regard, the principles laid down therein read as under:

"22. The conclusions which are deducible from various decisions of this Court referred to above are:

(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 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 questions 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) and (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 and 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, the administration may get rid of him at the earliest."

13. It is also relevant to refer to the decision of the Hon'ble Supreme Court in the case of **T. Srinivas (supra)**, more particularly para No.11, which reads under:

"11. In the instant case, from the order of the Tribunal as also from the impugned order of the High Court, we do not find that the two forums below have considered





the special facts of this case which persuaded them to stay the departmental proceedings. On the contrary, a reading of the two impugned orders indicates that both the Tribunal and the High Court proceeded as if a departmental enquiry had to be stayed in every case where a criminal trial in regard to the same misconduct is pending. Neither the Tribunal nor the High Court did take into consideration the seriousness of the charge which pertains to acceptance of illegal gratification and the desirability of continuing the respondent in service in spite of such serious charges levelled against him. This Court in the said case of State of Rajasthan [(1996) 6 SCC 417 : 1996 SCC (L&S) 1455] has further observed that the approach and the objective in the criminal proceedings and the disciplinary proceedings is altogether distinct and different. It held that in the disciplinary proceedings the question is whether the respondent is guilty of such conduct as would merit his removal from service or a lesser punishment, as the case may be, whereas in the criminal proceedings the question is whether the offences registered against him are established and, if established, what sentence should be imposed upon him. The Court in the above case further noted that the standard of proof, the mode of enquiry and the rules governing the enquiry and trial in both the cases are distinct and different. On that basis, in the case of State of Rajasthan [(1996) 6 SCC 417 : 1996 SCC (L&S) 1455] the facts which seem to be almost similar to the facts of this case, held that the Tribunal fell in error in staying the disciplinary proceedings”

The principle laid down in the **Capt.M. Paul Anthony (supra)** is that conducting simultaneous departmental proceedings and criminal trial is not prohibited under law, but if the allegations involved in the departmental proceedings and the criminal case are based on identical and similar set of facts and such allegations are of serious and grave nature, and require adjudication on complicated question of law and fact, then it would be desirable to stay the departmental proceedings till the



conclusion of criminal proceedings. The principle also states that whether the nature of charges is of serious and grave nature and complicated question of fact and law is involved, would depend on nature of offence, the nature of case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge sheet, which means that in arriving at whether the case involves complicated question of facts and law, the Courts are required to see the nature of offence, nature of case on which evidence is laid upon and the material collected in the charge sheet.

The other principle laid down in the **Capt.M. Paul Anthony (supra)** is that even if a question of complicated fact and law is involved in the matter, the Courts are still required to take into consideration whether undue delay would be caused if the departmental proceedings are stayed.

14. In the present case, there is no doubt that the facts emanating from the criminal case and departmental proceedings demonstrate grave charges and serious allegations of fabrication of various documents and misappropriation of funds against the petitioner. Although the charge framed in the departmental proceedings is one of supervisory negligence, adjudication of the said charge would necessarily require the disciplinary authority to examine whether the allegations of acts of forgery, misappropriation, and criminal breach of trust against the petitioner had in fact occurred, as the alleged supervisory negligence is stated to have facilitated or resulted in the commission of those acts.



15. It is also an admitted fact that the petitioner's suspension remained operative only for a limited period. Immediately upon his release from judicial custody, the respondents revoked his order of suspension, and the petitioner was reinstated and has continued to discharge his official duties, though he was facing serious allegations and charges of embezzlement of funds and fabrication of documents

16. The stage of the criminal trial also indicates that it is still at the stage of framing of charges and there is an issue with regard to the admissibility of hard copy of certain documents, which is required to be adjudicated by the Criminal Court and there is no likelihood of the criminal proceedings to be concluded in a short span so as to stay the departmental proceedings till then. In the present case, the departmental proceedings have already remained pending for nearly two years and in view of the serious nature of the allegations against the petitioner, it would not be appropriate to stay the disciplinary proceedings while permitting the petitioner to continue in service on the same post.

17. Further the petitioner has not been able to make out that the pending criminal case involves adjudication of complicated question of fact and law both. There may be complicated question of facts involved, but the principle as laid down by the Hon'ble Supreme Court requires that the question must be a complicated question of both fact and law. Such requirement of complicated question of law and fact cannot be segregated, should co-exist and should be established combinedly.

18. In the present case, the learned counsel appearing for the petitioner has failed to make out what complicated question of law



arises or is involved in the adjudication of criminal trial, however, he submits that certain allegedly forged documents have been relied upon without any corroborative forensic evidence, which according to him constitutes a complicated question of law.

We do not agree with such contention that whether uncorroborated documentary evidence can be relied upon or not is a question of law, much less a complicated question of law.

19. When we consider the view taken by the Hon'ble Supreme Court in the case of ***T. Srinivas (supra)***, it is evident that the seriousness of allegation must also have a bearing on the mind while staying the departmental proceedings. In the present case, the petitioner is facing allegations of embezzlement involving an amount exceeding Rs. 16 crores. Applying the principles as laid down by the Hon'ble Supreme Court in ***T. Srinivas (supra)***, we are of the considered view that the departmental proceedings ought not to be stayed merely because the criminal trial is pending.

20. We have also gone through the judgment of Co-ordinate Bench of this Court in ***Leelavati (supra)*** wherein reliance has been placed upon the principles laid down in the case of ***Capt.M. Paul Anthony (supra)*** for staying the departmental proceedings. The Co-ordinate Bench has also relied upon the decision of the Hon'ble Supreme Court in ***Ramlal (supra) and G.M. Tank Versus State of Gujarat and Anr.*** reported in ***(2006) 5 SCC 446.***

21. The judgment relied upon by the learned counsel for the petitioner in the case of ***Ram Lal (supra)*** has no applicability as in the said case the departmental proceedings as well as the



criminal trial continued simultaneously and thus, the principles laid down therein would not advance the case of the petitioner, as the challenge in the present case is to the simultaneous continuation of criminal proceedings and departmental proceedings.

22. Thus, considering the seriousness of the allegations against the petitioner, the fact that the departmental proceedings have already remained pending for nearly two years, the absence of any likelihood of the criminal trial concluding in the near future, particularly when it is still at the stage of framing of charges, and the larger public interest involved in permitting a person facing allegations of embezzlement of a substantial amount, to continue discharging duties on the same post, we are not inclined to interfere in the departmental proceedings and the order dated 19.05.2026 passed by the CAT.

23. Resultantly, the present writ petition is dismissed.

24. Pending application(s), if any, also stand dismissed.

(ANUROOP SINGHI),J

(MUNNURI LAXMAN),J

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