

# Domestic Enquiry vis-à-vis Criminal Proceedings: Between Proof and Process

The relationship between disciplinary proceedings and criminal trial based on identical facts and charges has consistently arisen for consideration before the Supreme Court of India. Over the years, the Supreme Court's approach has evolved, if not changed, from a cautious and advisory view that considered possible prejudice to the employee's defence in criminal trial to a more balanced approach that weighs several factors such as the difference in standards of proof in a domestic enquiry and a criminal trial; the need for administrative efficiency and the effect of an acquittal in a criminal case. This change in approach is discernible from a catena of judgments pronounced by the Supreme Court.

## Bar on Simultaneous Proceedings?

The earliest pronouncement came in *Delhi Cloth & General Mills Ltd. v. Kushal Bhan*, AIR 1960 SC 806. The Supreme Court held that while it may often be fair for employers to stay departmental enquiries pending criminal trials, principles of natural justice do not mandate such a course. It was clarified that there is no requirement in law that an employer must await the outcome of a criminal trial before taking disciplinary action. At the same time, the Supreme Court introduced a prudential consideration observing that where the case is of a grave nature or involves complicated questions of fact or law, it would be advisable to await the decision of the criminal court so that the employee's defence is not prejudiced. This approach was reiterated in *Tata Oil Mills Co. Ltd. v. Workmen*,

AIR 1965 SC 155, wherein it was again emphasised that although there is no legal prohibition on conducting domestic enquiries during the pendency of criminal proceedings, it may be desirable to stay the enquiry when the same incident is under trial before a criminal court.

In *Jang Bahadur Singh v. Baij Nath Tiwari*, AIR 1969 SC 30, the Supreme Court rejected the argument that initiation of disciplinary proceedings during the pendency of criminal proceedings amounts to contempt of court. It was clarified that the power to conduct disciplinary proceedings vests exclusively in the disciplinary authority and the pendency of a civil or criminal case does not bar such action. It was further held that disciplinary proceedings conducted in good faith do not interfere with the course of justice. Only a violation of a specific stay order granted by a court could amount to contempt.

## No Strait Jacket Formula

The issue was revisited in *Kusheshwar Dubey v. Bharat Coking Coal Ltd.*, (1988) 4 SCC 319. The Supreme Court reaffirmed that there is no bar to simultaneous proceedings while recognising that in certain cases it may be appropriate to defer disciplinary proceedings. It expressly declined to evolve any hard and fast rule and held that the question of stay must be decided on the facts and circumstances of each case. In the facts before the Supreme Court, since both proceedings were grounded on the same set of facts, it was held that the disciplinary proceedings ought to have been stayed.



Krishna Vijay Singh



Muneeb Rashid Malik

## Acquittal in Criminal Case

In *Nelson Motis v. Union of India*, (1992) 4 SCC 711, it was clarified that acquittal in a criminal case does not automatically bar departmental proceedings. It was held that the nature and scope of criminal trials and departmental proceedings are different and the standard of proof applicable in each proceeding is distinct. The Supreme Court also noted that in the case before it, the acts forming the basis of the departmental proceedings were not exactly the same as those involved in the criminal prosecution.

A shift in emphasis occurred in *State of Rajasthan v. B.K. Meena*, (1996) 6 SCC 417. After reviewing earlier judgments, the Supreme Court reaffirmed the absence of any bar to simultaneous proceedings but clarified that staying disciplinary proceedings is not a matter of course. It was held that the possibility of prejudice to the defence in the criminal case is the principal ground for staying departmental proceedings and even that ground applies only where the charges are grave and involve complicated questions of fact and law. It was further emphasised that disciplinary proceedings should not be unduly delayed particularly in light of the reality that criminal trials often take an inordinately long time. The judgment underscored that the

interests of administration and good governance require prompt conclusion of disciplinary proceedings both to vindicate the innocent and to remove undesirable elements from public service. This position was reiterated in *Depot Manager, A.P. RTC v. Mohd. Yousuf Miya*, (1997) 2 SCC 699, wherein it was again held that simultaneous proceedings are permissible unless the criminal charge is grave and involves complicated questions of fact and law.

#### *Governing Principles*

In *M. Paul Anthony v. Bharat Gold Mines Ltd.*, (1999) 3 SCC 679, the Supreme Court crystallised the law into clear propositions. It was held that departmental and criminal proceedings can proceed simultaneously; that stay of departmental proceedings till the conclusion of the criminal case is desirable only where both proceedings are based on identical facts and the criminal charge is grave which involves complicated questions of law and fact; that the grave nature of a charge in a criminal case and the complicated questions of fact and law 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 chargesheet; that undue delay in disciplinary proceedings must be avoided. It was further held that if the criminal trial is unduly delayed, departmental proceedings may be resumed even if they were earlier stayed 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.

#### *Standard of Proof*

The distinction between criminal trials and disciplinary proceedings has also been

reiterated in recent judgments of the Supreme Court. In *AAI v. Pradip Kumar Banerjee*, (2025) 4 SCC 111, the Supreme Court held that disciplinary authorities are not required to record elaborate reasons when accepting the findings of the enquiry officer. It was reaffirmed that disciplinary proceedings are governed by the principle of preponderance of probabilities and not proof beyond reasonable doubt. It was reiterated that a disciplinary proceeding is not a criminal trial and that interference by the High Court under Article 226 of the Constitution does not permit reappreciation of evidence where there is some relevant material supporting the conclusion of guilt. A similar reiteration appears in *Karnataka Lokayuktha, Bagalkote District v. Chandrashekhar*, 2026 SCC OnLine SC 13, wherein it was emphasised that the enquiry officer's report is not conclusive and that the final determination of guilt lies exclusively with the disciplinary authority. It was also clarified that the standard of proof remains preponderance of probabilities.

#### *Identical Charges and Evidence*

While reiterating that acquittal does not automatically nullify disciplinary action, the Supreme Court has carved out an important exception in cases of complete identity between proceedings. In *Ram Lal v. State of Rajasthan*, (2024) 1 SCC 175, it was held that where the charges, evidence, witnesses, and circumstances in the criminal case and departmental enquiry are identical and where the criminal court acquits the accused after full consideration of evidence, the Court in judicial review may grant relief if sustaining disciplinary findings would be unjust, unfair and oppressive. This principle was further applied in *Maharana Pratap*

*Singh v. State of Bihar*, 2025 SCC OnLine SC 890. It was held that where departmental and criminal proceedings are based on substantially similar or identical charges, evidence, witnesses and circumstances, continuation of disciplinary punishment following acquittal would be unjust, unfair and oppressive. The Supreme Court also drew an adverse inference against the employer for withholding relevant departmental records necessary to assess the identity between the two proceedings.

#### *Conclusion*

Therefore, the Supreme Court's approach to departmental proceedings vis-à-vis criminal proceedings has undergone a clear and structured evolution. From early observations of advisability and fairness, the jurisprudence has matured into a principled framework that recognises the independence of disciplinary proceedings, the lower standard of proof applicable therein and the imperative of administrative efficiency. At the same time, the Supreme Court has preserved a narrow but significant exception where identical charges and evidence culminate in an honourable acquittal, rendering the continuation of disciplinary findings unjust. By way of illustration, a charge of corruption or serious financial misconduct involving overlapping witnesses, documentary evidence and questions of intent would ordinarily constitute a case of a grave nature involving complicated questions of fact and law, where continuation of a departmental enquiry may risk prejudice to the defence in a criminal trial. The law, as it stands today, reflects a careful balancing of individual rights and institutional integrity grounded entirely in judicial pronouncements.