



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

S.B. Civil Writ Petition No. 8322/2023

Ashish Sharma S/o Shri Gyan Shanker Sharma, Aged About 41 Years, Resident Of Sunder Niwas, Gandhi Nagar, Bhilwara (Rajasthan).

-----Petitioner

Versus

1. State Of Rajasthan, Through The Commissioner, Abkari Bhawan, Udaipur (Rajasthan).
2. The District Excise Officer, Barmer (Rajasthan).
3. The District Excise Officer, Bhilwara (Rajasthan).

-----Respondents

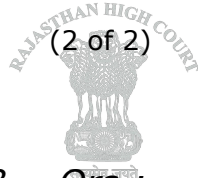
For Petitioner(s) : Mr. Falgun Buch.
For Respondent(s) : Ms. Vandana Bhansali, Dy.G.C.

HON'BLE MR. JUSTICE ARUN BHANSALI

Order

13/09/2023

1. Heard learned counsel for the parties.
2. It is submitted by learned counsel for the petitioner that for the allegations, on which, the petitioner is already facing a criminal case, wherein, charge-sheet has already been filed, the petitioner has been issued a charge-sheet for departmental proceedings on 29.4.2023.
3. Submissions have been made that during pendency of the criminal trial issuing the charge-sheet for similar allegations is not justified.
4. Reply to the petition has been filed and reference has been made to judgment in the case of *Vinod Kumar Kashyap v. Food*



[CW-8322/2023]

Corporation of India & Ors.: S.B. Civil Writ Petition No.14042/2021, decided on 25.4.2022 at Jaipur Bench.

5. Learned counsel for the petitioner has referred to judgment in the case of *Bhagirath Ram v. State of Rajasthan & Ors.:* S.B. Civil Writ Petition No.2682/2021, decided on 13.9.2021 and submitted that the said judgment has not been referred in the case of Vinod Kumar Kashyap (supra).

6. The matter requires consideration.

7. Admit. Issue notice. As respondents are already represented and reply to the petition has been filed, no need to issue fresh notice.

8. Heard on stay application.

9. During pendency of the present petition, further proceedings pursuant to the charge-sheet dated 29.4.2023 (Annex.5) against the petitioner shall remain stayed.

10. Stay application stands disposed of.

(ARUN BHANSALI),J

325-Sumit/-