

114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3423-2022
Date of Decision: 06.07.2022

RAM MEHAR KANUNGO

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. G.S. Sawhney, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner, a *Kanungo* at the relevant time posted in District Karnal, is aggrieved against the initiation of departmental proceedings and simultaneously also the criminal proceedings by the State Vigilance Bureau, both proceedings arising out of the same set of allegations resulting in similar charges. Therefore, he seeks to quash order dated 14.01.2022, vide which, the departmental proceedings have been initiated under Rule 7 of The Haryana Civil Services (Punishment and Appeal) Rules- 2016, on the ground that he is since been already simultaneously proceeded against in a criminal trial by the State Vigilance Bureau.

2. Learned counsel for the petitioner, in support of his arguments, relies upon judgment of Apex Court in ***Capt. M. Paul Anthony vs Bharat Gold Mines Ltd. and another, 1999(3) SCC 679.***

3. On advance service of copy of the petition, learned State counsel appears and opposes the petition.

4. I have heard the rival contentions and am of the view that merely because simultaneous proceedings have been initiated on the same cause of action i.e. one by the department under the Haryana Civil Services Rules *ibid* and the other under the penal provisions contained under the Prevention of Corruption Act, 1988 by the Vigilance Bureau, cannot *per se* be the ground to seek quashing of the departmental proceedings.

5. It is a settled position in law that both the proceedings operate in separate spheres and import of the same cannot, in any manner, be construed to mean as double *jeopardy*.

6. Accordingly, the prayer of the petitioner to seek quashing of the departmental proceedings seems to be totally misplaced.

7. Learned counsel for the petitioner strenuously argues that in case, the departmental proceedings are not quashed, the defence of the petitioner which he is to take at the relevant time in the criminal proceedings, will be seriously weakened due to its pre-disclosure in the departmental proceedings. There appears to be some merit in this assertion.

8. To that extent, it is made clear that the departmental proceedings shall continue but the petitioner shall not be compelled to adduce his evidence prior to the same having happened in the criminal proceedings. While, at the same time, the department shall be at liberty to adduce its evidence and proceed with the pending departmental proceedings.

9. Disposed of accordingly.

July 06, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No