

SUPREME COURT OF INDIA

State of Punjab

Vs.

Dalbir Singh

(G.B. Pattanaik and U.C. Banerjee JJ.)

19.07.2000

ORDER

1. Civil Appeal Nos. 5386-5389/1997 and 5390/1997 are directed against the Division Bench Judgment of the Punjab and Haryana High Court, which took the view that initiation of a departmental proceedings for the alleged misconduct would tantamount to double jeopardy and prohibited under Article 20 of the Constitution, as for the same misconduct under the provisions of Motor Vehicles Act, certain fine has been levied. This judgment of the Division Bench of Punjab and Haryana High Court has later been reversed by the Full Bench of the same High Court against which concerned employee has moved this Court in C.A. No. 6071/1997. The question that arises for consideration, therefore, is whether the levy of penalty under the provisions of Motor Vehicles Act would absolve the concerned employee from all liabilities and would debar the disciplinary authority to initiate disciplinary proceedings. In other words, the question would be whether initiation of a departmental proceedings would tantamount to violation of provision contained in Article 20(2) of the Constitution. Having examined the relevant facts involved in these appeals and having examined the judgment of the Full Bench of Punjab and Haryana High Court, we have no hesitation to come to the conclusion that the Full Bench rightly interfered with the judgment of the Division Bench of Punjab and Haryana High Court. In our view, the payment of penalty under the provisions of Motor Vehicles Act would not absolve the employee fully from all other liabilities nor would it debar the employer from initiating a departmental proceedings for the alleged misconduct of the concerned delinquent employee. Such initiation of a departmental proceedings by no stretch of imagination, can be held to be a violation of provision of Article 20 of the Constitution of India. In this view of the matter, we uphold the Full Bench judgment of the Punjab and Haryana High Court, and necessarily therefore, the Civil Appeals filed by the State Government are allowed and the Civil Appeal filed by the delinquent is dismissed.