

* IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No.6972/2010

Date of Decision: October 19, 2010

RAMESH KUMAR Petitioner
through Mr. Raman Kapur, Advocate with
Mr. Honey Taneja, Advocate

versus

M/S FRUIT AND VEGETABLE PROJECT Respondent
through None

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment? No
2. To be referred to the reporter or not? No
3. Whether the judgment should be reported in the 'Digest'? No

REKHA SHARMA, J. (ORAL)

It is not disputed by the petitioner that he absented from duty without sanctioned leave. It is also not disputed that before disciplinary action was taken against him, six charge-sheets were given to him regarding his absence from duty without intimation. In view of absenteeism of the petitioner at regular intervals, domestic enquiry was conducted against him resulting in his dismissal from service. He challenged the order of his dismissal before the Presiding Officer, Labour Court but to no avail. The Labour Court vide its order dated July 12, 2010 has upheld the order of dismissal.

The learned counsel for the petitioner has challenged the order of the Labour Court on the sole ground that the punishment of dismissal is disproportionate to the charge of absenteeism against him.

Having regard to the fact that the petitioner absented himself from duty not once, not twice but as many as six times and that too without giving prior intimation to the respondent and without getting the leave sanctioned, I do not find the order of dismissal disproportionate to the charge of absenteeism.

There is no merit in the petition. The same is dismissed.

REKHA SHARMA, J.

OCTOBER 19, 2010
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