

Chief Justice's Court

Case :- SPECIAL APPEAL No. - 758 of 2012

Appellant :- Constable 32287 Shiv Kumar Arya Ss 5229/2004

Respondent :- The State Of U.P. Through Secy. Home Deptt.
And 2 Others

Counsel for Appellant :- Rajendra Prashad Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Rajan Roy, J.

Heard Shri Rajendra Prasad Shukla, learned Counsel for the appellant and learned Chief Standing Counsel for State.

There is an intra Court appeal challenging the judgment dated 26.09.2012 passed in Writ Petition No. 5229 (S/S) of 2004.

The only ground raised for assailing the said judgment before us by learned Counsel for the appellant is that notice was not given to the appellant prior to taking action on the basis of unauthorized absence. We are not impressed with the argument and accordingly reject the said contention. The writ Court has recorded a finding that unauthorized absence is of 431 days and even before us, learned Counsel for the appellant could not satisfactorily explain the inordinate absence, therefore, we do not find any error in the judgment of the writ Court, as, there is no substantial violation of the procedure prescribed.

The appeal is accordingly **dismissed**.

Order Date :- 17.8.2023

Lokesh Kumar

[Rajan Roy, J.] [Pritinker Diwaker, C.J.]