

Court No. - 8

Case :- WRIT - A No. - 3916 of 2014

Petitioner :- Shakir Ali

Respondent :- Deputy Director Agriculture Hardoi U.P. And Others

Counsel for Petitioner :- Sandhya Dubey, Mohammad Babar Khan, Prabhakar Srivastava, Ranjana Agnihotri, Upendra Kumar Awasthi, Vijay Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard Sri Vijay Kumar, learned counsel for the petitioner and Sri Anirudh Singh, learned Standing Counsel.
2. The present writ petition under Article 226 of the Constitution of India has been filed seeking a Writ of Certiorari quashing the order dated 22.8.2012, whereby the services of the petitioner have been terminated as Tractor Cleaner as he abandoned his services for more than eighteen months without any intimation to the department.
3. The petitioner was appointed on the post of Tractor Cleaner in the pay scale of Rs.2550-3200/- on compassionate ground vide order dated 20.1.2007. Initially, appointment of the petitioner was temporary and it could have been terminated by giving one month's notice.
4. The In-charge, Sahgawa Division-II, Hardoi informed vide letter dated 20.10.2010 that the petitioner had absented from duty without intimation w.e.f. 1.10.2010. Immediately, a letter was sent to the petitioner on the same day by the Complex Superintendent Class-II, Mohammadpur, Hardoi asking him to join his duties. The petitioner did not turn up to join the duty. As the petitioner remained absent without intimation to the office unauthorisedly, In-charge, Sahgawa Division-II, vide letter dated 10.11.2010 relieved the petitioner from his place of

posting from Sahgawa Division-II and directed to join at the Headquarter. The petitioner, thereafter, joined the office of the Complex Superintendent Class-II, Mohammadpur, Hardoi. Thereafter, the petitioner went on Casual Leave on 4.1.2011. After expiry of the Casual Leave, he did not come back to join his duty and, thereafter, vide letter dated 21.1.2011, the petitioner was asked to join his duty, but he failed to join. Several letters were sent to the petitioner even by Registered Post at his given address asking him to join the duty, which returned back. A letter dated 16.3.2011 was sent to the petitioner giving him last opportunity to join back his duty. This letter was sent through special messenger, which was received by the petitioner on 24.3.2011. The petitioner sent an application through special messenger that due to illness, he could not attend the office from 4.1.2011 to 31.3.2011.

5. Considering the aforesaid application, the petitioner was asked vide letter dated 28.4.2011 to send the medical certificate countersigned by the Chief Medical Officer with regard to his illness. However, the said letter was returned back and no medical papers were submitted by the petitioner. Vide letter dated 2.7.2011, a show cause notice was issued to the petitioner giving him one week time to join the office. The said letter was received by the petitioner on 5.7.2011, but he did not join the office. The petitioner remained absent unauthorisedly w.e.f. 4.1.2011 to 14.6.2012 (for around 18 months). A press notice was published on 15.6.2012 in all newspapers circulated in the State of Uttar Pradesh calling the petitioner to join his duty, otherwise disciplinary proceedings would be initiated against him, which may entail dismissal from service. Even after publication of the press notice, the petitioner did not join nor any application was received in response to the show cause notice and thus, as the petitioner has abandoned the service

from 4.1.2011 to 14.6.2012, vide order dated 22.8.2022, his services were terminated.

6. From the facts as narrated above, it is evident that the petitioner has abandoned his services and despite publication of press notice, he did not come to the office nor he replied to the show cause notice.

7. In view thereof, I do not find any error in the impugned order terminating the services of the petitioner. A Government employee cannot take the employment for granted and despite the abandoning the service, the petitioner has come to the Court for relief against termination of his services.

8. Thus, the present writ petition is ***dismissed*** being devoid of merit and substance. interim order, if any, stands vacated.

Order Date :- 3.7.2023

Rao/-