

It is the admitted case between the parties that for the entire period of unauthorized absence and even before it, what to talk of seeking permission for leave, the petitioner never even bothered to inform the respondent Department that he would be on leave. On account of the proven guilt on his part, the petitioner was dismissed from service by the Superintendent of Police, Mewat. His appeal against the order of dismissal was dismissed by the Inspector General of Police, Faridabad Range, Faridabad and so was his revision petition by the Director General of Police, Haryana.

There is no challenge to the procedure followed in the disciplinary proceedings held against the petitioner. There is also no challenge to the findings of guilt recorded against him. The only argument raised before me is that the petitioner had 31 years of service, and therefore, under Rule 16.2 of the Punjab Police Rules, 1934, as applicable to Haryana (hereinafter referred to as – the Rules), before dismissing him from service, his length of service should have been taken into consideration.

According to me, the petitioner has committed the gravest act of misconduct. He has been unauthorizedly absent for over 780 days. What to talk of applying for leave, he never even bothered to inform the department that he would be absent. The above act on the part of the petitioner, who was a member of the disciplined force, is incorrigible. The un rebutted facts on record further reveal that vide order dated 23.08.2005, just before the unauthorized absence of 780 days, he had been punished for absence from duty for 108 days. This was in addition to the punishment

meted out to him vide order dated 17.03.2003 for absence from duty for 344 days, punishment vide order dated 22.09.1998 for absence for 45 days and punished imposed in the year 1999 for unauthorized absence from D-I examination.

The above facts clearly show the petitioner to be a habitual absentee for long periods of time, with the most recent absence for the longest period.

In the facts of the case, as noticed above, I find that the punishment meted out to the petitioner commensurates with his proven misconduct. The incorrigibility and complete unfitness for police force having been proven not once but on several occasions, the petitioner has thus been rightly ordered to be dismissed from service and his mere long length of service prior to the order of his dismissal under Rule 16.2 of the Rules, in my opinion, cannot and should not come to his rescue, especially, when that length of service has also several acts of proven misconduct and unauthorized absence.

In view of the above, finding no merit in this present writ petition, the same is ordered to be dismissed with no order as to costs.

(DEEPAK SIBAL)
JUDGE

October 13, 2015

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