

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.15569 of 2013
Decided on : 16.11.2015**

Paramjit Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Aman Dhir, Advocate, for the petitioner.

Mr.Avinit Avasthi, AAG, Punjab.

G.S. Sandhawalia , J. (Oral)

CM No.6799 of 2015

Application for placing on record the medical record as Annexure A1 and for exemption from filing the type/-certified copy of the same, is allowed. Said document is taken on record. Office to tag the same at appropriate place.

Main case

Challenge in the present writ petition is to the order dated 18.05.2012 (Annexure P5), passed by respondent No.2 whereby the appeal of the petitioner has been rejected against the 5 years forfeiture of service towards increments. Challenge has also been raised to the orders dated 02.09.2009 (Annexure P2) and 30.11.2010 (Annexure P3), dismissing the appeal, against the initial order of punishment dated 18.10.1999 (Annexure P1),

passed by respondent No.5. The reasons for punishment imposed was the absence from duty from 05.03.1999 to 24.04.1999, on account of not submitting any reply and not coming forth.

It is the case of the petitioner that for a subsequent period from 01.08.1999 to 19.10.1999, on account of health issues, punishment of stoppage of 5 increments had also been imposed. However, vide order dated 07.04.2011 (Annexure P4), the appellate authority, on account of the fact that the petitioner was suffering from Jaundice, had reduced the punishment to forfeiture of one year's service, regarding annual increments.

A perusal of the said order would go on to show that medical certificate for the period of the absence of duty and the treatment in Medical College, Faridkot, for the disease of Jaundice was taken into account while reducing the punishment for a subsequent period. The petitioner, vide CM No.6799 of 2015, has now placed on record two medical prescriptions dated 05.03.1999 and 01.04.1999 wherein he was advised rest. The certificate also refers to diseases, i.e., Cirrhosis of Liver (Jaundice) and Typhoid. It is well known fact that the disease of Hepatitis may reoccur if proper rest is not taken. It has also been noticed that the petitioner, for the subsequent period, was taking the treatment for Jaundice in the Medical College, Faridkot and in such circumstances, the quantum of punishment for the subsequent

period has been reduced by respondent No.2. It is the case of the petitioner that since he was suffering from the said ailment, he could not submit his reply to the show cause notice, due to which, the impugned order has been passed.

In such circumstances, this Court deems it fit to remit the matter to respondent No.5, for reconsideration, who shall take into account the medical records of the petitioner and pass a fresh order on the issue of his absence from duty from 05.03.1999 to 24.04.1999.

Writ petition stands allowed in the above said terms.

NOVEMBER 16, 2015
sailesh

(G.S. SANDHAWALIA)
JUDGE