

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 22442 of 2015

Date of Decision : November 02, 2015

Balwan Singh Hooda Petitioner
Vs.
State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Jagjit Singh Dahiya, Advocate
for the petitioner.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks quashing of the order of punishment, the order dismissing his appeal filed against the punishment order and the order passed by the Principal Secretary to Government of Haryana, Transport Department, through which his representation to re-consider the aforementioned orders was also rejected.

A few uncontroverted facts, which need to be noticed are that the petitioner, while serving the Haryana Roadways as a Clerk was departmentally proceeded against for unauthorized absence from 13.06.1989 to 24.09.1989. On having been found guilty in the departmental inquiry, after issuance of Show Cause Notice, a penalty of stoppage of two

increments with cumulative effect was meted out to him. It was further ordered that his suspension period be treated as leave of the kind due and that the period of his absence as leave without pay. Vide order dated 14.09.1999, his appeal against the aforesaid order was considered and rejected by the then Financial Commissioner and Secretary to Government Haryana, Transport Department. For 14 long years, the petitioner kept quiet and then after his retirement, on 30.11.2012, through a representation, approached the Member of Parliament (Lok Sabha) Shri Depender Singh Hooda, on whose recommendation his matter was re-considered and rejected.

The initial order of punishment is dated 31.07.1994. The appeal against the punishment order was dismissed on 14.09.1999. The petitioner slept over the matter for over 14 years and only after his retirement on 30.11.2012, through political channels, sought re-consideration of his matter. Having accepted his punishment for 14 years, at this stage, the petitioner deserves no relief.

Notwithstanding the observations made above, even on the merits of the matter, no procedural fault or violation of any rule in the inquiry and the proceedings leading to the passing of the punishment order has been pointed out. Learned counsel for the petitioner sought to justify the petitioner's unauthorized absence on the ground that the petitioner at the time of unauthorized absence had, to his credit, Earned Leave, which was more than the total number of days of absence. I am afraid this argument cuts no ice with me. Irrespective of the number of days of Earned Leave,

which may be to the credit of an employee, he cannot remain absent from duty unauthorizedly.

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

(DEEPAK SIBAL)
JUDGE

October 30, 2015
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