

on the ground of being unwell.

A perusal of the record shows that during the inquiry proceedings, the petitioner did not produce any Medical Certificate. He also did not produce any witness in his support.

It is further not disputed that during the prolonged period of unauthorized absence, no application was moved by the petitioner seeking leave. The record further reveals that what to talk of seeking leave, the petitioner never even bothered to inform the respondents with regard to the fact that he would be absent from duty and that too, for a prolonged period of 251 days.

Counsel for the petitioner submits that the petitioner was given only 48 hours to lead his defence, which was not adequate. This argument is to be considered only to be rejected as the record reveals that the charge-sheet was served upon the petitioner on 11.11.2013 and the inquiry report was submitted on 04.12.2013. Thus, the petitioner had over three weeks to present his defence before the Inquiry Officer. Admittedly, no application was moved by him before the Inquiry Officer to produce any defence.

It is surprising that the Medical Certificates appended with the present petition were not produced in the inquiry proceedings. This was in spite of the fact that the inquiry remained pending for three weeks. Had these Certificates been in possession of the petitioner at the time of the inquiry, there was no reason why he would not have produced the same.

The unauthorized absence by a member of a disciplined force,

to which the petitioner belonged, and that too for 251 days is unpardonable, especially in view of the facts of the case in hand, wherein the petitioner, what to talk of making application for leave, never even bothered to inform the respondent Department that he would be on leave. Such misconduct on the part of a member of disciplined force needs to be dealt with with a heavy hand. There is no room for any leniency.

Thus, finding no merit in the present petition, the same is ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

November 16, 2015

monika