

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

C.W.P. No.8730 of 2015

Date of Decision : 05.05.2015

Devender Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.B. Raheja, Advocate
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order of dismissal passed by the respondent No.5, the order of the Appellate Authority passed by the respondent No.4 rejecting his appeal and the order passed by the Revisional Authority rejecting his revision.

The petitioner joined as a Constable in Haryana Police in April, 2008. He proceeded on 4 days casual leave on 23.05.2012 (A.N.) and was due to report back for duty on 28.05.2012 (F.N.). He however did not join back on 28.05.2012 and remained absent from duty for 65 days. A regular inquiry was ordered, a copy of the findings was supplied to the petitioner

and a show cause notice was issued to him, his reply was considered and then he was dismissed from service. As mentioned above, his appeal and revision having been dismissed he is before this Court.

The plea taken by the petitioner was that he suddenly fell sick and took treatment from a private Ayurvedic doctor. Learned counsel for the petitioner has argued that the Ayurvedic doctor had appeared as witness and had certified that the petitioner had been sick and he had treated him. The inquiry officer held that the petitioner could have got himself admitted in a Government hospital as he was entitled to free treatment but no reason was mentioned as to why he opted for this private doctor who could easily have been procured as a witness. Apart from that another issue which is most important is that the petitioner never bothered to communicate to his superiors the fact that he was sick.

Learned counsel for the petitioner states that the petitioner belongs to a rustic village family.

Be that as it may, still it does not explain why he did not inform his superiors that he wanted his leave to be extended because he was medically unwell. The appellate authority and the revisional authority also noticed that within a short span of four years of service the appellant remained absent willfully without any leave or prior permission on 85 different occasions before the present episode where he remained absent for 65 days. Considering his propensity for absence in a disciplined force, I see no reason to take a different view to that taken by the authorities below.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 05, 2015

ashish

**(AJAY TEWARI)
JUDGE**