

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

LPA No. 1184 of 2015 (O&M)

DATE OF DECISION : 29.09.2015

Lakhwinder Singh

.... APPELLANT

Versus

State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Kanwaljit Singh, Senior Advocate, with
Mr. Amandeep Singh, Advocate,
for the appellant.

* * *

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 05.11.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 22640 of 2014) filed by the appellant challenging the order of his dismissal from service on account of his long absence from duty, has been dismissed.

Though there is delay of 165 days in filing the appeal and the appellant has filed application (CM No. 2514-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the impugned order passed by the learned Single Judge.

After hearing learned counsel for the appellant, we do not find

any ground to interfere with the impugned order. Undisputedly, in this case, the appellant remained absent from duty from 01.01.1999 to 25.05.2006. During the said period, he went abroad without getting any leave sanctioned or without giving any information to the respondents. The factum of absence of the appellant from duty during the aforesaid period was duly established in the departmental inquiry held against him, where opportunity of hearing was afforded to him. With regard to the plea of the appellant to deal with him leniently, it has been observed by the learned Single Judge that a person who abandons his assignment in favour of what can be termed as green pastures cannot claim equity once he has violated the rules and regulations with impunity.

Moreover, a contention has been raised before us that the long service rendered by the appellant be taken into consideration. This contention, in our opinion, is also without any force, as before going abroad, the appellant rendered 7 ½ years of service, and after remaining absent from duty for a long period of more than 7 years, he served with the respondents for a period of 4 years and 3 months.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 29, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE