

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

**LPA-1322-2015**

**Decided on : 16.09.2015**

**Ex. Constable Gyaneshwar**

**.... Appellant**

**VERSUS**

**State of Haryana and others**

**..... Respondents**

**CORAM:**    **HON'BLE MR. JUSTICE RAJIVE BHALLA**  
                  **HON'BLE MS. JUSTICE NAVITA SINGH**

**Present:**    **Mr.Ashwani Bhardwaj, Advocate, for the appellant.**

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**RAJIVE BHALLA, J.**

The appellant challenges judgment dated 11.08.2015, dismissing his writ petition.

Counsel for the appellant submits that the appellant joined as Constable and though he remained absent for 109 days from 02.10.2006 to 20.01.2007 and it is also true that he only filed an appeal, against order of dismissal from service, in July, 2013 but as he proffered a credible explanation that he was under treatment for psychiatric disorder that lasted for about five years, proved by the medical certificate issued by Dr.B.L.Goyal, Mission Hospital and Diagnostic Centre, Rewari, the authorities should have considered the appellant's case sympathetically but have rejected the appeals etc. without considering the merits. The writ petition has also been dismissed primarily on the ground of delay in approaching the authorities.

We have heard counsel for the appellant but are not inclined to differ with the opinion recorded while dismissing the writ petition.

Admittedly, the appellant was absent from duty for 109 days from 02.10.2006 to 20.01.2007, without any intimation to the department. The appellant was served with a charge-sheet dated 25.06.2007 but he did not file any response. An inquiry officer was appointed. The appellant was held guilty for willful absence and consequently vide order dated 20.09.2007, was dismissed from service. Admittedly, the appellant approached the department in July, 2013, after a delay of 5½ years by appending certain documents regarding his ill health namely psychiatric disorder. The appeal and the revision were dismissed on the ground of delay. The writ petition has also been dismissed on the ground that the appellant approached the department after 5½ years but while doing so, the medical certificates have been considered. A perusal of the certificates reveal that they pertain to the years 2012 and 2013. In the absence of any justification for the appellant's willful absence and the gross delay in filing the appeal etc., we find no reason to entertain the appeal and dismiss the same accordingly.

**[ RAJIVE BHALLA ]**  
**JUDGE**

16.09.2015  
shamsher

**[ NAVITA SINGH ]**  
**JUDGE**