

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.773 of 2015 (O&M)
Date of Decision:- 19.05.2015.

Baldev Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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?

Present: None.

SURYA KANT, J. (ORAL)

1.) The appellant assails the order dated 07.04.2015, whereby, learned Single Judge dismissed his writ petition and has upheld the orders of his dismissal from service and the one rejecting his appeal.

2.) The appellant was recruited as a Constable in Reserved Battalion in the year 2002. He was served with a chargesheet of being absent from duty for 49 days 9 hours and 50 minutes. The appellant pleaded illness but failed to produce any medical record. The Inquiry Officer held him guilty; show cause notice was given and finding his explanation unsatisfactory, the order of dismissal from

service was passed. The appellant went in departmental appeal which was also rejected.

3.) The aggrieved appellant approached this Court. The solitary question that arose for consideration of the learned Single Judge was whether the punishment of dismissal from service on the allegation of 'absence from duty' was disproportionate to the nature of charges proved against the him?

4.) Learned Single Judge has found that the disciplinary authority was alive of the question of quantum of punishment and it decided to dismiss the appellant from service after noticing that he was a habitual absentee who had in the past remained absent from duty 34 times. The total period of absence from duty was 654 days. The authorities were thus satisfied that he was an incorrigible police official.

5.) The gravity of misconduct of 'absence from duty' has to be seen with reference to the nature of duties assigned to a Government servant. Assuming that absence from duty may not be the gravest misconduct qua every Government servant, no such inference can be drawn in the case of a member of the disciplined force.

6.) The standards of discipline and expected conduct required to be observed in the case of Para Military or police forces cannot allow their members to be casual or callous of such a degree as to allow them to absent from duty on lame excuses. The

imposition of severest punishment(s) so as to infuse discipline or
declare zero-tolerance for indiscipline is fully justified.

7.) Dismissed.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

May 19, 2015.

sandeep sethi