

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

L.P.A. No. 940 of 2015
Date of decision: 03.08.2015

Devender Singh

....Appellant

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. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Kulbhushan Raheja, Advocate
for the appellant.

P.B. Bajanthri, J.

The appellant-a Constable in Haryana Police was subjected to disciplinary proceedings for remaining unauthorized absent. The disciplinary proceedings concluded in imposing the penalty of dismissal from service. Both Appellate Authority and Revisional Authority rejected the grievance of the petitioner. Questioning the validity of the dismissal order, Appellate Authority and Revisional Authority orders, the appellant filed CWP No. 8730 of 2015. Learned Single Judge has dismissed the aforesaid CWP on 05.05.2015. Thus, the appellant has presented this appeal.

The appellant joined as a Constable in Haryana Police in the month of April, 2008. He had applied 4 days casual leave on 23.05.2012 and was due to report back for duty on 28.05.2012. Thereafter, he did not report to duty on 28.05.2012 and continued to remain absent for about 65 days without informing the concerned superior official and so also not making any leave application for further period. The disciplinary authority initiated disciplinary proceedings for the appellant's unauthorized absence for 65 days. Plea of the appellant is that he suddenly fell sick and he had taken treatment from a private Ayurvedic Doctor. In support of this contention in the enquiry, Ayurvedic Doctor was examined as a witness who had certified that the appellant had been sick and he had treated him. The enquiring officer held that the appellant 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 witness. Learned counsel vehemently submitted that appellant's remaining absent was a genuine one as is evident from the examination of Ayurvedic Doctor. Therefore, appellant's absence was not intentional and wilful. It was further argued that the penalty is too harsh.

The appellant's contention that his absence was not intentional as is evident from the statement of Ayurvedic Doctor, even assuming correct, yet the conduct of the appellant that he failed to inform his superiors has no explanation at all. Further, even if he was not in a position to inform his superiors, at least he could have sent necessary message through his family members or friends to his superiors. Nothing sort of was done by him.

The learned Single Judge, noticed that between 2008 to 2012 the appellant with or without leave or prior permission remained absent on 85 occasions. In view of the aforesaid conduct of the appellant, he being in a disciplined force like police department, the disciplinary authority rightly dismissed him from service. The Police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public order in the Society. People repose confidence in it. There is thus no infirmity in the order of dismissal and consequential order passed by the appellate and revisional authority. The learned Single Judge rightly refused to interfere with the order of dismissal and consequential orders. The appellant has not made out a case so as to warrant us to interfere with the order of the learned Single Judge. Accordingly, the LPA is dismissed.

No order as to costs.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

03.08.2015

pooja saini