

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.4419 of 2012 (O&M)
Date of Decision.12.10.2015

Brij Lal Goel

.....Appellant

Versus

State of Haryana and another

.....Respondents

Present: Mr. Yogesh Saini, Advocate for
Mr. S.K. Sud, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

-.-

K. KANNAN J.

1. A dismissed employee of State government service filed a civil suit challenging the termination order. The termination had been effected after a duly constituted departmental enquiry imputing the charge of unauthorised absence for a long period commencing from 30/9/1991 to 21/04/1998. The chargesheet had been issued after he was allowed to rejoin duty on 11/06/1999. Before the departmental proceedings, no document was filed by the State and the Enquiry Officer had given a report observing that the charge had not been established. The disciplinary authority disagreed with the report of the enquiry officer and served a notice to show cause why the absence shall not be taken as unauthorised and why he should not be terminated from service. The government employee gave the reply and having failed to convince the authority, was faced with an order terminating the service.

He preferred an appeal. The appeal was also dismissed.

2. At the trial it was sought to be contended that the State had not examined any witness to prove the charge. The Civil Court held that the fact of absence was an admitted fact and there was nothing to be proved. It was, on the other hand, only the duty of the plaintiff to explain his absence and give cogent explanation for his absence. The Court also found that there was no consistent plea explaining his absence. While the employee himself was attempting to say that his brother-in-law had died and he was involved in some domestic problems, the wife in the application given to the authority was contending that after an order of transfer had been made against the plaintiffs, he went into depression and therefore he was absent. The trial Court held that there was no valid justification for the absence and the nature of proof was minimal having regard to the charge of unauthorised absence made against the employee. The termination order was sustained and the appellate court also confirmed the decision.

3. I do not find that there is any error in the decisions taken already by the two Courts below. There is nothing substantial in law for consideration in favour of the appellant. The second appeal is dismissed.

(K. KANNAN)
JUDGE

October 12, 2015
Pankaj*