

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

RSA No. 3179 of 2014 (O&M)
Date of decision: August 28, 2015

Dilbag Singh

...Appellant

Versus

State of Punjab and others

...Respondents

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?**

Present: Mr. AS Syan, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

1. The plaintiff challenged the proceedings of the department terminating his services for unauthorized absence from 4.1.2006 to 31.3.2006. The inquiry proceeded after notice to him and after the report of the Inquiry Officer was submitted. The notice of the report had been given to elicit the response when the employee again reiterated that he had suffered an accident one year earlier and he had also some family problems and he could not, therefore, attend to his office. The disciplinary authority found that his absence had not been properly explained and the justification sought to be trotted out that he had suffered injuries one year earlier could not be any mitigating circumstance. While imposing the punishment of removal from service, it was observed that the plaintiff was a habitual absentee and in the 20 years of service, he had 22 censures by way of punishments on various occasions and he also availed 493 days of NDP. It was further observed that his misconduct was very serious. At the trial, the

plaintiff wanted to contend that he had sent a leave letter which aspect was not brought at the trial. The trial court addressed his plea for sympathetic consideration that a person who had 22 years of service could not be jettisoned from service by making reference to the judgments of the Supreme Court in State of U.P. Versus Ashok Kumar Singh 1996 (2) SCT 139 and State of Punjab and others Versus Sukhwinder Singh 2005 (3) SCT 616 wherein it was held that an unauthorized absence by a police personnel was a serious misconduct and the civil court or the High Court will not interfere with the decision taken by the higher authorities for such misconduct. The trial court was also making reference to a still later judgment in Harjit Singh and another Versus The State of Punjab and another 2007 (2) Law Herald (SC) 1014 that the civil court will not interfere with the findings of the disciplinary authority unless there had been a violation of the statutory rules or when principles of natural justice has not been followed. There is no argument before me and there was none before the courts below that there was any defect in the procedure adopted or violation principles of natural justice. The plea is more seeking for court's commiseration for a person who had rendered 22 years of service to be given a marching order. I am afraid I cannot interfere when the case involves no questions of law for consideration and if the only point made is that the court shall interfere with the punishment, there exists already a law that the court will adopt a hands off approach unless the punishment meted out is grossly disproportionate or capricious that will shock the conscience of the court. The case does not qualify for any benefit in his favour.

2. The second appeal is dismissed.

August 28, 2015
prem

(K.KANNAN)
JUDGE

