

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

**Civil Writ Petition No.12128 of 2012**

**Date of decision: 14.3.2016**

Constable Paramjit Singh

**...Petitioner**

**Versus**

State of Punjab and others

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: None for the petitioner.

Mr. L.S.Virk, Addl. Advocate General, Punjab.

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**G.S.SANDHAWALIA, J. (Oral)**

The petitioner challenges action of respondents whereby he was not being allowed to join in the office of the Vigilance Bureau, Chandigarh.

The case of the petitioner is that he was posted on deputation with the Punjab Vigilance Bureau vide order dated 18.11.2011 (Annexure P/1) for a period of two years. The relieving order was passed on 10.5.2012 (Annexure P/2) by the parent department. However, on account of not having necessary educational qualification, he was not allowed to join and was asked to report back to his parent department. The petitioner served a legal notice dated 9.6.2012 (Annexure P/3) that he was not being allowed to join on deputation.

The case of the respondents is that the petitioner had been issued notice as he had not joined back in the parent department and deputation order was cancelled on 30.7.2012. He thereafter had joined on 13.8.2012. In reply it is accordingly mentioned that the petitioner had remained absent for 95 days i.e. from 10.5.2012 to 12.8.2012. Therefore, the said period is required to be treated as 'non duty without pay'.

Keeping in view the above, the present writ petition has been rendered infructuous as the petitioner has now joined back his parent department and the deputation order stands cancelled and same is disposed of as such.

However, in case any order is to be passed regarding the period of absence, the petitioner will be given notice of alleged misconduct and thereafter, the order will be passed. It will always open to the petitioner to challenge the said order in accordance with law.

**March 14, 2016**  
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**(G.S.SANDHAWALIA)**  
**Judge**