

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

214

**CWP-12413 of 2016
DATE OF DECISION:18.11.2016**

SIKHBIR SINGH GOYAT

... Petitioner

V.

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S.S. Goyat, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. R.S. Longia, Advocate
for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned the order dated 06.06.2016 (Annexure P-11), vide which his application for medical leave was cancelled and he was directed to join work.

The petitioner who was on deputation as District Attorney to HAFED, had applied for medical leave from 05.05.2016 to 04.06.2016 as there was infection in his vocal cord. The competent authority had sanctioned leave for this period. However, the petitioner was transferred back to the Department of Prosecution with headquarters at Panchkula, vide order dated 15.06.2016. In the meantime, before the orders of his transfer, the petitioner had submitted application for extension of his medical leave from 05.06.2016 to 17.06.2016. However, the application for extension of

medical leave for the period 05.06.2016 to 17.06.2016 was cancelled by the respondents vide impugned order dated 06.06.2016 (Annexure P-11).

The only question which arises in the instant case is whether the petitioner would be entitled to the medical leave and consequential benefits for the period from 05.06.2016 to 15.06.2016.

Even after, 15.06.2016, the petitioner is stated to have remained on duly sanctioned medical leave for a period of over two months while serving in the Prosecution Department. There is no dispute with regard to the medical condition of the petitioner as he was under treatment at PGIMS, Chandigarh on account of vocal gland (Nodule) infection for several months. Even the perusal of the impugned order dated 06.06.2016 suggests that the respondents were aware of the medical condition of the petitioner and he was asked to rejoin only in view of serious and important litigation. It is stated in the impugned order that the petitioner would not be required to speak and may give his inputs in writing although he was also asked to attend hearing of the arbitration case.

Having heard the learned counsel for the parties, I am of the considered view that the impugned order dated 06.06.2016 deserves to be quashed as the petitioner was under treatment for infection in his vocal cord both before and after the disputed period for which the medical leave of the petitioner has been duly sanctioned. The petitioner had been duly sanctioned medical leave for a period of two months even after the disputed period. As the petitioner was suffering from vocal cord infection, it was difficult for him to attend office. The respondents have not disputed the authenticity of

medical certificate issued by the petitioner nor the nature of the illness of the petitioner, which prevented him from discharge of his duty.

Consequently, the petition is allowed and the impugned order dated 06.06.2016 (Annexure P-11) is set aside. The period from 05.06.2016 to 15.06.2016 would be treated as period of medical leave of the petitioner and he would be entitled to the consequential benefits.

November 18, 2016

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Note:

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes / No