

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 14001 of 2016 (O&M)

Date of Decision: 09.08.2016.

Vinod Kumar

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Aman Dhir, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The petitioner, who is working as a Junior Basic Teacher (J.B.T) under the Haryana State Education Department, has filed the instant petition seeking the issuance of a Writ of Mandamus for directing the official respondents to condone the period of absence from service i.e. w.e.f. 19.3.2015 to 10.4.2015.

Placed on record and appended along with the petition is a letter dated 16.2.2015 at Annexure P-5 issued by the office of District Elementary Education Officer, Hisar and which would show that the petitioner while posted at Govt. Primary School, Singhran was deputed for completion of study syllabus for the period w.e.f. 16.2.2015 to 15.3.2015 at G.P.S., Dahima as an internal arrangement.

On a specific query having been put to the counsel as regards the precise date on which the petitioner joined back on duty at his place of posting i.e. G.P.S., Singhran upon completion of the period as indicated at Annexure P-5, counsel would respond that the petitioner joined back on 15.4.2015.

With regard to the period w.e.f. 15.3.2015 to 15.4.2015 counsel would make an attempt to justify non-joining at his place of posting i.e. G.P.S., Singhran. It is submitted that the villagers had filed complaints against the petitioner and the atmosphere was not conducive for the petitioner to join back. Further contended that letters seeking extension had been submitted but no final decision thereupon had been taken and conveyed to the petitioner. Yet another contention raised is that respondent no.3 i.e. the District Elementary Education Officer, Hisar had issued orders, whereby the petitioner had been called upon to work with the Block Elementary Education Officer, Hisar for the period 10.3.2015 to 18.3.2015. As per counsel this would explain absence for part of the period in question.

Having heard counsel for the petitioner at length, this Court is not inclined to intervene in the matter, at this stage.

The submissions made by counsel towards explaining and justifying his period of absence need to be addressed to the respondent department/competent authority and which in turn would examine the matter and take a final view thereupon. Even though, the specific prayer in the instant petition is for condonation of a particular period of absence of the petitioner from service, yet, counsel would concede that no specific order in relation thereto has been passed till date.

As such, no interference in the matter is called for, at this stage.

Petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

09.08.2016
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Whether speaking/reasoned: Yes

Whether Reportable: No