

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

**CWP No.1845 of 2016
Decided on : 29.01.2016**

Rajesh Kumar

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.Nonish Kumar, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

Petitioner challenges the punishment of stoppage of one annual increment, without future effect, imposed upon him vide order dated 23.11.2015 (Annexure P6). The ground upon which the punishment has been imposed is that the petitioner, who is a Medical Officer, refused to perform the duties allotted to him.

A perusal of the paperbook would go on to show that on account of the calamity which had happened at Manikaran, Himachal Pradesh, the Civil Surgeon had allotted him duty there. But instead of reporting for duty, he took the plea that he was out of station, without taking sanction for leaving station. The fact that the petitioner was not available is clear from his explanation dated 28.08.2015, whereby the plea taken was that he had very urgent piece of work and due to that, he had to go on leave. The said explanation was not found satisfactory and therefore, there was a reprimand from the Senior Medical Officer. However, a show cause notice was issued on account of the fact that the petitioner had failed to perform his emergency duties and had also

misbehaved with his senior officers and accordingly, he should be punished under Rule 10 of the Punjab Civil Services Rules, 1970. Resultantly, the impugned order has been passed.

There is no dispute regarding the fact that the petitioner was not available when he was asked to report at Manikaran Kulu, to assist in the emergency duty. As a Medical Officer, it was his professional duty to be present to help the victims who had been involved in the calamity. The punishment, which has been, thus, imposed, on account of non-availability when the State required his services, cannot be said to be such which shocks the conscience of this Court or which would require interference under Article 226 of the Constitution of India.

Accordingly, finding no merit in the present writ petition, the same is dismissed in limine.

JANUARY 29, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE