

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21623 of 2016 (O/M)

Date of decision : 21.10.2016

Himmat Singh

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manmeet Singh Rana, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

:-

:-

KULDIP SINGH J. (ORAL)

Heard.

The petitioner had absented himself from duty with effect from 1.1.1993 without any leave. He attained the age of superannuation on 31.1.2007. The petitioner earlier approached this Court by way of filing Civil Writ Petition No. 8752 of 2011, which was decided by this Court, vide order dated 18.5.2011 (Annexure-P-18) with a direction to the respondents to consider the claim of the petitioner in the light of the judgments passed by this Court in Sudershan Mehta Versus State of Punjab and others (CWP No. 16515 of 2007, decided on 23.7.2009) and Himmat Singh Versus State of Punjab and others, (CWP No. 2485 of 2011, decided on 10.2.2011), within a period of four months from the date of receipt of certified copy of that order. It was further directed that if anything is found due to the

CWP No. 21623 of 2016 (O/M)

petitioner, the same shall be released to the petitioner within a period of two months thereafter. Accordingly, the respondents considered the case of the petitioner.

The petitioner was working as S.S. Master. He absented himself from duty with effect from 1.1.1993 and did not report back. He attained the age of superannuation on 31.1.2007 and four years later in the year 2011, he had filed the earlier writ petition. Vide the impugned order dated 14.5.2012 (Annexure-P-22), the Government has invoked Rule 3.17 A (2) of the Punjab Civil Services Rules, Volume-II, under which the Government is empowered to forfeit the past service in case of willful absence from duty or unauthorized absence and, therefore, forfeited the past service of the petitioner. The departmental appeal filed by the petitioner has been dismissed, vide order dated 15.7.2016 (Annexure-P-24).

I am of the view that in this case, the petitioner remained absent from the service with effect from 1.1.1993 till he attained the age of superannuation i.e. for 14 years. Thereafter, he did not show his face till 2011. It comes out from the pleadings that earlier also, the petitioner had proceeded on ex-India leave from 4.8.1989 to 21.1.1990, submitting his New York address with the department, but did not report back for duty after the expiry of ex-India leave. He was issued a chargesheet on 11.2.1992 and thereafter the petitioner returned to India on 10.4.1992 and submitted his joining report. He was allowed to join duties by the Director Public Instructions (Schools) on 6.11.1992. Thereafter, he again slipped away on 1.1.1993 without getting any prior sanction and did not return thereafter.

In these circumstances, keeping in view the conduct of the

CWP No. 21623 of 2016 (O/M)

petitioner, I am of the view that the petitioner is an absconder. He probably had stayed in foreign country and abandoned the service. Therefore, his past service was rightly forfeited. There is no ground to interfere in the impugned orders. Hence, the present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

21.10.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No