

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.25396 of 2016

Date of Decision:-08.12.2016

Shera Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. B.S. Mittal, Advocate for Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner claims to have been engaged on contract basis (probably part time basis) w.e.f. 01.12.1996 as a Sweeper in the office of Nagar Panchayat Dirba, District Sangrur. His services as Sweeper were regularized vide order dated 05.12.2011 and supplemented vide order dated 19.12.2011 (P-1) whereby he along with 13 other employees were put on probation for two years. As per rules regarding the Medical Check Up on entering into government service, was found medically fit vide report dated 20.12.2011 (P-2). The petitioner remained absent from duty without any intimation since 13.08.2012 leading to the issuance of charge sheet dated 19.02.2016 (P-7) for willfully absent from duty without approval of any leave.

By filing the present writ petition, the petitioner has sought the quashing of the charge sheet dated 19.02.2016 (P-7) being in violation of the Section 47 of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; further sought a direction to the respondents to permit the petitioner to join the duties at any suitable/alternative post due to the petitioner having become blind as per the

Disability Certificate dated 31.05.2016 (P-9).

Learned Counsel for the petitioner submits that the petitioner has lost his vision and for that reasons could not join his duties. To substantiate the same reference has been made to a OPD Slip dated 20.08.2012 (P-3) relating to Eye and Lasik Laser Centre.

After hearing learned Counsel for the petitioner, no case for interference is made out. The petitioner was put on probation at the time of his regularization of service in December 2011. It is apparent that the petitioner made no application for grant of leave of any kind, including on medical grounds. Even the reply at Annexure P-8 to the charge sheet (P-7) reveals that the petitioner on his own decided to stay away from presenting himself to the duties. It is not the case of the petitioner that the authorities were enemical to the petitioner. All these facts which are sought to be addressed are to be adjudicated upon in the disciplinary proceedings pursuant to the charge sheet (P-7), therefore, for the willful absence, action of the authorities in issuing the charge sheet cannot be faulted with. The question of operation of the Section 47of the Act is a separate issue than the disciplinary proceedings for absence from public duty. Even the Certificate (P-9) of being blind is 31.05.2016 i.e. much later than period of willful absence and issuance of chargesheet.

In view of the above, no case for interference is made out and the present writ petition stands dismissed.

(JASWANT SINGH)
JUDGE

December 08, 2016
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>