

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

**LPA No. 1119 of 2016(O&M)
Date of decision :04.07.2016**

Satish Kumar

.....Appellant

Versus

State of Haryana and another

.....Respondents

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr.Jagdish Manchanda, Advocate
for the appellant.

SURYA KANT, J. (ORAL).

Appellant has assailed the order dated 19.01.2016 whereby learned Single Judge dismissed the writ petition and has upheld the order of his dismissal from service.

Appellant was a Patwari in the revenue department. He was served with the charge sheet for being habitual absentee. The period of absence as given in the charge sheet is as under:-

Sr. No.	Periods
01.	From 03.11.2005 to 07.12.2005
02.	From 10.11.2009 to 15.11.2009
03.	From 06.05.2008 to 16.05.2008
04.	From 21.07.2006 to 16.10.2006
05.	From 07.05.2007 to 03.07.2007
06.	From 01.08.2007 to 06.08.2007
07.	From 02.02.2008 to 15.10.2008
08.	From 17.11.2008 to 21.12.2008
09.	From 29.07.2009 to 04.08.2009
10.	From 01.03.2010 to 31.03.2010
11.	From 08.03.2011 to 04.01.2012

It may be seen that the appellant remained absent

from duty on different occasions. In reply to the charge sheet, he admitted his absence from duty but claimed that he was not mentally fit. His defence plea did not inspire any confidence and was discarded. The Competent Authority thus dismissed appellant from service. The Superior authorities also affirmed that order.

The only plea taken before us is that the longest duration of absence from duty was on account of the appellant's involvement in criminal cases. We find from the judgments placed on record that the appellant was involved in two criminal cases i.e. one under Sections 148, 149, 323, 452, 506 of Indian Penal Code and another under Sections 307, 325, 120-B Indian Penal Code. There is nothing on record to suggest that he remained in custody during the absence period. These cases were registered in the year 2011 and were decided by the Courts in that very year. As against it, the story of absence from duty started from the year 2005 onwards.

No case to interfere with the impugned order is made out.

Dismissed.

(SURYA KANT)
JUDGE

(DARSHAN SINGH)
JUDGE

July 04, 2016
s.khan