

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1207 of 2016 (O&M)

Date of Decision: 01.09.2016

Charan Singh

... Appellant

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

1. Whether speaking / reasoned?

Yes / No

2. Whether reportable?

Yes / No

3. Whether Reporters of local papers may be allowed to see the judgment?

Yes / No

4. To be referred to the Reporters or not?

Yes / No

5. Whether the judgment should be reported in the Digest?

Yes / No

Present: Mr.GS Sidhu, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The appellant was appointed as a Jail Warder in the Prisons Department and was kept on probation for two years. It was expressly stipulated in condition No.2 of the appointment letter dated 24.04.2013 (P1) that if his conduct and work is found unsatisfactory during the period of probation, his services will be dispensed with without giving any further notice.

(2) The appellant joined his duties at Central Jail, Hisar on 30.04.2013. He proceeded on casual leave for three days on 28.10.2013 but did not join back. He was issued a notice on 17.01.2014 and in response thereto, he joined exactly after one year and three months i.e. on 16.01.2015. As his conduct was found unsatisfactory, the competent authority dispensed with his services. He filed appeal that too was dismissed. The writ petition filed by the appellant has also been dismissed by learned Single Judge vide order under appeal rejecting the appellant's plea that the impugned orders are stigmatic in nature.

(3) We have heard learned counsel who submits that since the appellant was allowed to resume his duties on 16.01.2015, the absence period is taken to have been condoned. We do not find any merit in this contention. The misconduct can never be said to have been condoned by permitting the appellant to resume his duties, as soon thereafter the competent authority invoked condition No.2 of the appointment letter and dispensed with his services. Admittedly, when the appellant remained absent from duty for a period of one year and three months, it was a case of highly unsatisfactory conduct for which termination of his services during probation was fully justified.

(4) No ground to interfere with the order passed by learned Single Judge is made out.

(5) Dismissed.

(6) We, however, clarify that the order dispensing with the services of the appellant would not be taken as stigmatic in nature for the purpose of future employment.

(Surya Kant)
Judge

01.09.2016
vishal shonkar

(Sudip Ahluwalia)
Judge