

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-623-2016 (O&M)  
Date of Decision: July 11, 2016

Gurnam Singh

...Appellant

Versus

State of Punjab and others

...Respondents

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

Present: None for the appellant.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

**SURYA KANT, J. (Oral)**

The case has been called twice. Learned counsel for the appellant is not present. In these circumstances, we proceed to decide the appeal on merits.

The instant Letters Patent Appeal impugnes the order dated 16.9.2015, whereby learned Single Judge dismissed the appellant's writ petition and has declined to interfere with the order terminating his services on account of repeated and long absence from duty.

The appellant joined the Punjab Roadways as a Driver on 6.6.1997. He is said to have proceeded on three days sanctioned leave from 7<sup>th</sup> to 9<sup>th</sup> December, 2007, but thereafter he did not turn up to resume the duty. His leave was not sanctioned. He continued to remain absent from duty. The appellant was accordingly charge-sheeted; inquiry was held and having found him guilty of continuous absence from duty, his services were terminated by an order dated 3.6.2010.

The appellant did not assail the order of termination for three years and three months, whereafter he filed departmental appeal, which was turned down on 18.6.2014 on the ground of limitation as it was required to be filed within 45 days of passing the impugned order. He thereafter made a representation to grant him pension on the ground that he had served for 13 years before termination of services. The said claim was also rejected on the plea that once his services were terminated, pensionary benefits stood forfeited. Learned Single Judge has dismissed the writ petition challenging that rejection on both counts, namely, that the appellant himself was responsible for the inordinate delay in availing the remedy of departmental appeal and that once his services were terminated on the basis of proven misconduct, he was not entitled to pension in view of Rule 2.5 of the Punjab Civil Services Rules, Volume-II.

We have gone through the entire record. In our considered view no interference with the impugned order is called for. We say so for the reason that the appellant was admittedly absent from duty though later on he claimed that he was suffering from neurological problem due to which he could not join his duties. No medical certificate in support of alleged ailment was submitted. It appears that the appellant never sought extension of leave and surely it was never extended. The appellant, as a public servant, was rendering essential services, hence, his absence from duty and that too for such a long period certainly amounted to grossest misconduct for which the punishment of termination of services cannot be said to be disproportionate. Once the appellant's services have been terminated as a measure of punishment, the statutory Rules expressly forbids the release of pension. No case for interference with by this Court is thus made out.

LPA-623-2016 (O&M)

3

Dismissed.

CM-1294-95-LPA-2016:

Since the appeal has been decided on merits, no orders are required to be passed in these applications seeking condonation of delay in re-filing and filing the appeal.

**(SURYA KANT)**  
**JUDGE**

**(DARSHAN SINGH)**  
**JUDGE**

**July 11, 2016**  
P Kapoor