

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.64 of 2016 (O&M)

Date of Decision: 11.07.2016

Dr. Rameshwar Gupta

... Appellant

VS.

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE DARSHAN SINGH

Present: Mr. Amit Chopra, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal assails the order dated 14.10.2015 whereby learned Single Judge has dismissed the appellant's writ petition in which he sought a direction for his voluntary retirement from service w.e.f. 10.12.1997 and consequential retiral benefits including pension.

(2) Learned Single Judge, on the other hand, has found that the appellant stands dismissed from service for his repeated and long absence from duty.

(3) The appellant was a Medical Officer who joined Punjab Civil Medical Service in the year 1975. The record, as unveiled by learned Single Judge, reveals that he was served with two charge-sheets. The first charge-sheet, with two charges, alleged that he remained absent from duty w.e.f. 13.11.1987 to 17.01.1988, w.e.f. 03.02.1988 to 18.09.1988 and w.e.f. 20.09.1988 to 18.03.1990. The second charge was that he was continuously absent from duty from 19.03.1990 onwards without giving any information and that he was not complying with the orders of the higher officers.

(4) The second charge-sheet also pertains to allegations of absence from duty for the later period.

(5) The enquiry was held; charges were proved and consequently, the appellant was dismissed from service.

(6) What it appears is that when the authorities were passing repeated orders asking the appellant to join the service and as soon as the disciplinary action was taken, the appellant is said to have applied for 'voluntary retirement'. His request was never acceded to and the authorities proceeded to subject the appellant with disciplinary action and consequently passed the punitive orders.

(7) We have heard learned counsel for the appellant at a considerable length.

(8) There is a little scope of interference in exercise of judicial review in disciplinary matters save the action is found to be hit by the principles of natural justice or fair play. That is not the case here. As regards the proportionality of punishment, the authorities were justified in imposing the severest punishment on the appellant who instead of rendering service to common-man, was presumably more interested to run his private practice. Once the dismissal from service is upheld, the denial of retiral benefits including pension is a foregone conclusion.

(9) No case to interfere with the order of learned Single Judge is made out.

(10) Dismissed.

(Surya Kant)
Judge

11.07.2016
vishal shonkar

(Darshan Singh)
Judge