

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.761 of 2016 (O&M)

Date of Decision: July 29, 2016

Rishidev Singh Chahal

.....Appellant

versus

Union of India and others

.....Respondents

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

Present: Mr.Brijeshwar Singh Bhalla, Advocate, for the appellant.

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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)

This intra-court appeal assails the order dated 17.03.2016 vide which learned Single Judge has declined to interfere with the order of dismissal of the appellant from service, passed by the Central Reserve Police Force (for short, 'CRPF').

[2] The facts are not in dispute. The appellant was directly recruited as a Sub-Inspector in the CRPF on 06.11.1999. He was further promoted as Inspector in the year 2006. He proceeded on sanctioned leave for the period w.e.f. 21.12.2008 to 30.01.2009. He claims to have suffered with ailment of chest pain and problem in breathing and did not resume duty after expiry of leave period. He is said to have sent applications and telegrams for extension of leave on medical grounds. The leave was admittedly not extended.

[3] The appellant thereafter is said to have sent his resignation on 17.12.2009, i.e., after almost one year of absent period. The said resignation was also not accepted. The appellant was charge-sheeted for willful absence from duty. The charge-sheet dated 03.06.2011 was handed-over to his father as the appellant was not found at home. *Ex-parte* departmental proceedings were conducted and consequently, the order of dismissal from service was passed. The departmental appeal was also dismissed on 16.09.2015.

[4] Those orders were unsuccessfully challenged by the appellant before the learned Single Judge who has declined to interfere with the same on the ground that he being a member of the disciplined force could not afford to remain absent from duty for such a long period which act of his surely amounts to gravest misconduct.

[5] We have heard learned counsel for the appellant at a considerable length and gone through the record.

[6] The plea regarding ailment etc. is nothing but a lame excuse as had there been any such like problem, the appellant would have availed best of the medical facilities available in Government hospitals including such facilities available in the Organization itself. The CRPF is one of the most important national security force and is assigned very sensitive assignments in troublesome areas. The appellant being an officer of the force was expected to lead by an example and not to run away from the scene in the hour of crises or need. In the force like CRPF, absence from duty even for a day needs to be viewed seriously. Here is a case of willful absence from duty for years. The authorities gave sufficient time to the appellant as the charge-sheet was issued in May, 2011 only. Nothing could mend the appellant's ways. He himself is therefore, responsible for incurring severest

punishment leviabale in service jurisprudence.

[7] No case to interfere with the order under appeal is made out.

[8] Dismissed.

[SURYA KANT]
JUDGE

July 29, 2016
mohinder

[DARSHAN SINGH]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.1558 of 2016 in
LPA No.761 of 2016

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Rishidev Singh Chahal versus Union of India and others

Present : Mr.Brijeshwar Singh Bhalla, Advocate,
for the applicant-appellant.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 10 days' delay in filing the appeal
is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

July 29, 2016
mohinder

(DARSHAN SINGH)
JUDGE