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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6213/2016**

RAVINDER KUMAR DHANKHAR Petitioner

Represented by: **Mr.Raj Singh Phogat,**
Advocate.

versus

UNION OF INDIA & ORS Respondents

Represented by: **Mr.S.D.Windlesh, Advocate.**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **20.07.2016**

CM No.25421/2016

Allowed subject to all just exceptions.

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1. Past service record of the petitioner shows that three penalties were inflicted upon the petitioner. As regards the instant indictment, the petitioner was granted earned leave for ten days commencing from April 18, 2006. The petitioner did not report back but sent a fax on April 28, 2006 pleading for leave to be extended by fifteen days. The leave was extended by fifteen days and a communication sent to the petitioner at his residence at Dwarka. On expiry of the extended leave granted, the petitioner did not appear and the said fact was intimated to the competent authority. Four call-up letters dated June 27, 2006, July 18, 2006, August 24, 2006 and August 30, 2006 were sent to the petitioner at his permanent address which he had

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disclosed and was entered in the service book. The address is at Rohtak. The call-up letters were additionally sent at his residential address disclosed by the petitioner for the purpose of service record being Flat No. 17, Radhika Apartment, Pocket-1, Sector-14, Dwarka, Delhi. Neither the petitioner nor any family member responded.

2. Charged memo was issued on October 04, 2006. To serve the same personally because sent by Registered post the same was being received back by the Department, Constable Gajender Singh went first to the home address i.e. Rohtak and thereafter at Dwarka. The petitioner was found at neither place. At Dwarka his wife said that she would not receive the communication.

3. Ex-parte inquiry proceeded. Witnesses proved facts afore noted.

4. Relevant would it be to highlight that on March 14, 2007 the Inquiry Officer sent intimation to the petitioner of he being appointed and proceeding ahead with the inquiry requiring the petitioner to present himself before the Inquiry Officer. Same was received by somebody at the residential address of the petitioner evinced by the AD card which has been returned by the postal authorities to the department.

5. All these facts have been noted in the final order passed by the competent authority, copy whereof has been annexed as Annexure-P3.

6. On the point which petitioner seeks to urge i.e. his alleged mental disability we find there is hardly any proof with the petitioner.

7. The fact that neither family member of the petitioner ever intimated to the department that the petitioner was under depression cannot be ignored by the Court. The fact that the petitioner could not be found either at native village or at residence in Delhi can also not be ignored by this Court.

8. We find no merit in the writ petition which lays a challenge to the petitioner being visited with the penalty of removal from service inflicted upon the petitioner.

9. As regards the grievance of the petitioner that money lying to his credit in the GPF account and such other dues which are payable as a result of he being removed from service have not been paid to him, learned counsel for the respondent states that the obvious reason is that the petitioner has not completed the necessary codal formalities.

10. We, therefore, direct that upon the petitioner submitting the necessary papers needful shall be done and such dues as are payable to the petitioner as a result of he being removed from service shall be paid to him.

11. The petition is dismissed qua challenge to the penalty imposed. Qua monetary relief it is disposed of in terms of para 10.

12. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

JULY 20, 2016

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