

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**RSA No.2941 of 2000 (O&M)
Date of Decision : 02.12.2017**

Constable Sita Ram

..... Appellant

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ajay Jain, Advocate
for the appellant.

Dr. Sushil Gautam, D.A.G., Haryana.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower Appellate Court reversing that of the trial Court.

The appellant was found absent for 17 hours and 40 minutes while on guard duty. He was charge-sheeted for major penalty. He did not deny the absence but pleaded that it was due to sudden ailment. After regular inquiry he was handed down the punishment of stoppage of two increments with cumulative effect. The period of absence was ordered to be treated as leave of the kind due and it was further directed that it be treated as period spent on duty. He filed an appeal whereby the punishment was reduced to stoppage of one increment with cumulative effect. His further revision having been dismissed he is in the present civil suit. The solitary argument raised by the learned counsel for the appellant is that the period of absence having been ordered to be treated as leave of the kind due as period

spent on duty punishment could not have been levied upon him.

In my considered opinion, this argument is fallacious. That arrangement is made only to regularize that period and so that there is no gap in service. It does not in any way mitigate the infraction of being absent without duty. That is precisely what has been held by the lower appellate Court.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

02.12.2017

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No