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

CWP No.2825 of 2017

Date of Decision : 15.03.2017

Sandeep Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sharad Aggarwal, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order dated 22.02.2006 (Annexure P-2) whereby he was discharged from service, order dated 31.01.2008 (Annexure P-4) whereby his appeal was rejected and order dated 15.09.2016 (Annexure P-6) whereby appeal against the aforesaid two orders was rejected.

The petitioner joined as Constable on 19.06.2003. He was deputed to the Haryana Police Academy Madhuban for Drill Basic Course on 28.09.2005. However, he had not reported at the Academy and therefore he was considered absent with effect from 30.09.2005. He reported back in Police Lines Hisar on 09.12.2005. He was issued a show cause notice but he did not submit any reply. Then he was personally heard on 10.02.2006. During personal hearing he claimed that he had absented himself due to

illness and sought time to produce the medical record. On 14.02.2006 he

did not appear again and then he was given one more opportunity. Even thereafter he did not appear nor he submitted any medical record despite his assurance. The Punishing Authority noticed that in his 2 years of service there have been 17 periods of absence including the last one. Consequently, the punishing authority discharged him from service under Rule 12.21 of the Punjab Police Rules Vol.III holding him habitual absentee and indisciplined police official. He filed an appeal after 1 year and 8 months and the same was rejected on 31.01.2008. Eight years later i.e. on 05.07.2016 he filed a mercy petition, the same was also dismissed on 15.09.2016 and that is how the petitioner is before this Court.

Alongwith this petition the petitioner has appended medical record from Shri Bala Ji Hospital, Jiwannagar Road, Rania. However, this record does not pertain to the period 29.09.2005 to 09.12.2005 which is the period in question.

In view of facts and circumstances of the case, I find no fault with the impugned orders. Petition is dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

March 15, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No