

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.2983 of 2017

Date of Decision: 16.02.2017

Randeep Singh, Constable No.753/CP

...Petitioner

VERSUS

Chandigarh Administration & others

....Respondents

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present:- Mr. Rajeshwar Singh Thakur, Advocate for the petitioner.

SUDIP AHLUWALIA, J.

The grievance of the Writ Petitioner in this case is that the punishment for the alleged misconduct, imposed upon him is disproportionate.

2. He is a Constable in the Chandigarh Police. He claims to have proceeded on sanctioned leave for five days on 25.12.2012 and was supposed to report for duty on 31.12.2012. However, on 30.12.2012 while returning to Chandigarh, he fell sick and stopped at his sister's house at village Khelan, District Ambala where his health deteriorated and he was practicably immobilized. His brother-in-law therefore, sent a Telegram from Ambala to the MHC of the Unit where he was posted on 31.12.2012 at 8.30

AM. The text of the telegram is not available now according to the petitioner, as the Postal Authorities informed him that no records in this regard were maintained after the Telegram Service was done away with at a subsequent stage. The petitioner thereafter reported for duty on regaining his health on 8.3.2013. The disciplinary proceedings for his unauthorized absence for two months and eight days were initiated. He was found guilty of misconduct for such absence and the punishment awarded was service forfeiture for two years.

3. The Original Application filed against such punishment was dismissed by the Ld. Central Administrative Tribunal vide its impugned judgment passed on 14.9.2016.

4. Admittedly, the petitioner is a member of a disciplined Police Force. The prolonged and unauthorized absence from duty for such Personnel in our view constitutes the gravest of misconduct within the meaning of the relevant provisions of the Punjab Police Rules, and it has been held to be so in a number of decisions passed by this Court as well as the Apex Court.

5. Even otherwise, the petitioner's story of having been 'immobilized' during the period of his absence is seriously dented by the evidence of his own Doctor namely Dr. Ashwin Mohan, who is a Practitioner at Chandigarh and who, while deposing as PW8 in the disciplinary inquiry had stated that the petitioner had come to his Chamber at SCO-833-834, F.F. Sector 22-A, Chandigarh on 14.1.2013, thereby falsifying the assertion that the petitioner was 'totally immobilized' and constrained to stay on in his sister's village house in Ambala District.

6. The Ld. Tribunal was of the view that the punishment awarded

to the petitioner is not shocking and disproportionate to the allegations proved against him. We are however, of the view that he has been dealt with rather lightly by the Disciplinary Authorities for his prolonged unauthorized absence from duty.

7. No case to interfere with the impugned order passed by the Ld. Tribunal.

8. Dismissed.

(Surya Kant)
Judge

(Sudip Ahluwalia)
Judge

16.02.2017
AS

Whether speaking/reasoned : ***Yes/No***

Whether Reportable : ***Yes/No***