

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

209

RSA-700-2012 (O&M)

Date of Decision : 09.11.2017

Ramesh Kumar

..... Appellant

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

**Present : Mr. K.S. Banyana, Advocate
for the appellant.**

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

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below dismissing the suit of the appellant whereby he challenged the punishment order of stoppage of two future annual increments with cumulative effect imposed upon him.

Brief facts of the case are that the appellant was absent without leave for 3 days in the year 2003. A regular inquiry was ordered and the punishment was imposed. He filed an appeal which was also rejected. Thereafter he filed a civil suit and both the courts below having been dismissed the same, he is before this Court.

Counsel for the appellant has argued that the appellant was on naka duty when he suddenly fell ill and went to get some medicine after taking permission of the Guard Commander. Thereafter he remained ill and that is why he was absent and these circumstances was beyond his control and therefore the said punishment is disproportionate.

Learned Deputy Advocate General points out that apart from the fact that the medical evidence which was produced by the appellant was shady there is no explanation why the appellant could not apply for leave. Moreover, it has been pointed out that in the four prior years there was nine occasions when the appellant had been absent without leave and these range from 1 day to 116 days.

Counsel for the appellant is not in a position to justify why the appellant could not apply for the leave.

Keeping in view the entire conspectus of facts, I see no reason to interfere. Appeal is dismissed. No costs.

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

(**AJAY TEWARI**)
JUDGE

November 09, 2017
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No