

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.56 of 2017 (O&M)

Date of Decision: March 28, 2017

Himmat Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Manmeet Singh Rana, Advocate, for the appellant.

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Surya Kant, J. (Oral)

The instant letters patent appeal is directed against the order dated 21.10.2016 vide which the learned Single Judge has turned-down a totally frivolous claim put-forth by the appellant challenging the order whereby his service rendered prior to 01.01.1993 was forfeited and he has been held not entitled to any pensionary benefits.

[2] The facts are like this. The appellant joined the Education Department, Punjab, on 29.11.1973 as SS Master initially on *ad hoc* basis and thereafter on regular basis w.e.f. 01.04.1977. He applied for ex-India leave which was duly sanctioned w.e.f. 04.08.1989 to 21.01.1990. He went to USA and submitted his New York address but after expiry of ex-India leave, the appellant did not join the duty. As soon as he was charge-sheeted on 11.02.1992, the appellant came back to India on 10.04.1992 and submitted his joining report. Taking a lenient view, he was allowed to join the duty w.e.f. 06.11.1992. However, soon thereafter, the appellant again absconded from duty w.e.f. 01.01.1993. He never turned up till attaining the

year 2011 just to claim the pensionary benefits. He filed a writ petition and pursuant to the directions issued therein, the Competent Authority passed the impugned order dated 18.07.2016 whereby services rendered by the appellant before 01.01.1993 were ordered to be forfeited under the enabling provisions of the statutory rules and consequently, he was held not entitled to any pensionary benefits.

[3] As the facts would speak for themselves, the appellant is guilty of remaining willful absent from duty for a long spell of more than 14 years. It is also an admitted fact that he is well settled in USA and has come to India only to claim monetary benefits. Once the appellant has been found willfully absent from duty which amounts to abandonment of employment, no case to grant him pensionary benefits is made out.

[4] No case to interfere with the order under appeal is made out.

[5] Dismissed.

[SURYA KANT]
JUDGE

March 28, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No