

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4360 of 2016 (O&M)

Date of Decision: 07.02.2017

Mohd. Aslam

... Appellant

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Madhav Pokhrel, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.

Ten years absence is sought to be explained on the ground that the plaintiff approached the school where he was transferred and posted and the Principal there refused to accept his joining report because there was already a teacher teaching the subject which the plaintiff taught. Thereafter, the plaintiff vanished only to file a suit and pursue it in a Civil Court. The plaintiff-appellant secured a decree on March 04, 1994 from the trial Court at Malerkotla whereby the transfer order was set aside and it was ordered to adjust him in a school where a post existed. Plaintiff remained silent after obtaining decree in the year 1994 and suddenly he woke up in the year 2003 after ten years for adjustment in another school. The Government has treated this period as absence from duty i.e. between the period from December 13, 1993 to December 14, 2003. The plaintiff-appellant has not explained what he did for such a long period of absence and there will be a presumption against him.

In the absence of any satisfactory explanation for such a long period, the Lower Appellate Court was correct in affirming the decree of

trial Court.

No substantial question of law arises in this appeal. This litigation has been a waste of time. No litigant can take advantage of his own litigation to explain such a long absence from duty.

Dismissed.

There is also a delay of 134 days in filing the appeal without satisfactory explanation. Seven years of absence and 134 days delay in filing the appeal falls in a similar bracket which shows the negligence of the plaintiff-appellant in neither executing his decree or approaching Court in Second Appeal within the limitation prescribed.

The appeal is dismissed on limitation as well.

(RAJIV NARAIN RAINA)
JUDGE

07.02.2017
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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*