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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4877/2017**
SURENDER SINGH Petitioner

Through: Mr. S. Mukherjee, Advocate along
with Mr. Avijit Singh and Mr. Lalit
Rawal, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS Respondents
Through: Mr. Gautam Narayan, ASC along with
Mr. R.A. Iyer, Advocate.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE DEEPA SHARMA

% **ORDER**
29.05.2017

CM No. 21134/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 4877/2017

The petitioner has preferred the present writ petition to assail the order dated 23.07.2012 passed by the Central Administrative Tribunal ('the Tribunal') in OA No. 809/2012. By the impugned order, the Tribunal has dismissed the said Original Application of the petitioner.

The petitioner had approached the Tribunal to assail the disciplinary proceedings initiated against him and the penalty amount imposed upon him of dismissal from service. The petitioner was

working as a Constable (Exe.) in Delhi Police. He was charge sheeted on 19.11.2009 on the ground of unauthorised absence. The Charge sheet shows that the petitioner remained on unauthorised absence from 21/22.08.2007 till the date he was issued the charge-sheet. The charge sheet also shows that he had absented himself on 9 occasions earlier, which reflected that the petitioner was habitual absentee. The explanation furnished by the petitioner for his absence was that his brother was terminally ill, and he was busy in getting his brother's three daughters married before the death of his brother - which occurred on 06.03.2011. He also claimed to be ill during the period of his absence. The enquiry report was made against him, and forwarded for his response but he did not responded to the said enquiry. The disciplinary authority passed the order dismissing the petitioner from service on 28.04.2011. He submitted his appeal on 16.06.2011 which too was rejected.

Before the Tribunal, the petitioner claimed that he was on medical rest for seven days from 20.08.2007 as advised by the TI/TMC. He claimed that his absence from 23.09.2007 onwards was also on account of his illness. The Tribunal did not find any merit in this submission of the petitioner. The Tribunal referred to the findings made by the enquiry officer, that the petitioner did not produce any document to support his claim of illness as the reason for his absence. Even before the Tribunal, documents produced by the respondents were examined and the Tribunal returned the finding that they do not disclosed such serious illness as to justify the petitioner's continuous absence from service. Consequently, the Tribunal dismissed the

Original Application.

The submission of Mr. Mukherjee, learned counsel for the petitioner, is that the petitioner had rendered about 17 years of service and his dismissal has completely washed off the said service. Mr. Mukherjee submits that the petitioner is in need of medical treatment which he can not avail from the government hospital, in view of his dismissal from service.

The impugned order was passed by the Tribunal in the year 2012. Firstly, we find that the writ petition itself is highly belated inasmuch, as, it has been filed after 5 years after passing of the impugned order. There is no explanation for the said delay. Moreover, the petitioner had not rendered any explanation for his continuous absenteeism in the enquiry, or even before the Tribunal. The petitioner being a Constable in Delhi police, which was a disciplined force was expected to show greater sense of responsibility towards his service, which, obviously, he failed to show. The petitioner has not disputed the fact that he remained absent unauthorisedly on 10 occasions during the period of service -the last one being for nearly 2 years, which led to issuance of charge sheet.

In these circumstances, we are not inclined to interfere with the impugned order.

Dismissed.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 29, 2017/ss