

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

CWP-1070-2018

Date of decision-25.04.2018

Deepankar Singla

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jonny Goyal, Advocate for the petitioner.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing of order dated 22.04.2016 (Annexure P-17) passed by respondent No.2 whereby the services of the petitioner have been terminated with immediate effect and order dated 11.05.2016 (Annexure P-20) whereby service appeal of the petitioner has been dismissed.

Learned counsel contends that the impugned order of termination dated 22.04.2016 (Annexure P-17) of the petitioner from service is illegal, perverse and arbitrary. No opportunity of personal hearing was given to him before passing the impugned order. Furthermore, no cogent reasons have been given by the authorities for his termination.

I have heard learned counsel for the petitioner and have gone through the case file.

The brief facts of the case as mentioned in the petition are that

the petitioner applied for the post of Executive (G) as advertised by Punjab Agro Industries Corporation Limited vide Annexure P-1. He qualified the entrance test and was offered the appointment letter dated 23.10.2015 (Annexure P-2) and the same was accepted by the petitioner. The petitioner joined his duties on 10.11.2015 as Executive (G), PAC, Patiala vide Annexure P-3. Thereafter, on 18.11.2015, the petitioner moved application for permission to appear in Punjab Civil Services Examination, 2015 which was approved vide letter dated 27.11.2015 (Annexure P-5). After appearing in the exam on 26.12.2015, the petitioner applied for 15 days' leave on medical grounds, which was sanctioned. After availing the same, the petitioner further applied for grant of extraordinary leave w.e.f.24.02.2016 to 23.02.2017 for preparation of Civil Services Examination. However, the said application was rejected by the Managing Director vide letter dated 19.02.2016 (Annexure P-12) and vide letter dated 04.03.2016 (Annexure P-13), the petitioner was directed to join his duties. Instead of joining the duties, the petitioner moved another application dated 08.03.2016 (Annexure P-14), reiterating the request for grant of extra ordinary leave for at least six months enabling him to prepare for the Civil Services Examination. Thereafter, on 17.03.2016, the respondents issued a show cause notice (Annexure P-15) to the petitioner asking him to explain his conduct. The petitioner replied to the show cause notice which was ultimately rejected and vide impugned order dated 22.04.2016 (Annexure P-17), the services of the petitioner were terminated with immediate effect. Aggrieved by the removal from service, the petitioner filed appeal which

was dismissed vide order dated 11.05.2016 (Annexure P-20) without being heard.

From the perusal of the above, it is crystal clear that soon after joining the duties, the petitioner remained on leave on one pretext or the other. Ultimately, when the petitioner applied for grant of extraordinary leave for a period of one year, the authorities rejected his application with specific directions to join the duties immediately. Instead of joining the duties, the petitioner moved another application with the similar request. It appears that the petitioner was never interested in performing his duties with the respondent/department. Moreover, as per Clause (2) of the appointment letter of the petitioner dated 23.10.2015 (Annexure P-2), the petitioner was on probation for a period of 2 years. It was categorically mentioned in the appointment letter that his services could be terminated during the probation period without issuing any notice or compensation. Absence from duty without taking approval and that too during probation period, amounts to gross indiscipline and grave misconduct. Thus, the conduct of the petitioner is unbecoming of a government servant and the department was left with no other option except to terminate his services. The plea of the petitioner that he was entitled to the grant of leave applied for in view of Rule 8.137 of CSR Vol 1 Part 1, is also unfounded as leave is not a matter of right and it is the sole prerogative of the employer to grant or reject the application for leave.

Thus, in view of the above discussion, this Court is not inclined to interfere in the impugned order.

Consequently, the present writ petition sans merit, stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

25.04.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No