

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.12898 of 2018

Date of Decision:-05.07.2018

Navjiwan Singh Mangat.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ranjan Lakhanpal, Advocate for the Petitioner.

JASWANT SINGH, J.

Petitioner-Navjiwan Singh Mangat has filed the instant writ petition praying for setting aside of the orders dated 25.07.2016 (**P-4**) as well as order dated 28.11.2017 (**P-6**), whereby the petitioner has been removed from the service, being absent from duty without any sanctioned leave.

Learned Counsel for the petitioner has argued that while passing the impugned orders, the Authorities have failed to consider the fact that petitioner had made repeated applications to department for extension of his leave, however, the same were never replied by the department and, therefore, it has to be deemed that extension of leave was allowed. It is further argued that the Appellate Authority, while passing the impugned order P-6, had not dealt with any of the contentions raised by petitioner and, therefore, the said order is liable to be set aside, being non speaking.

Hence, prayer has been made for setting aside the impugned orders.

I have heard learned Counsel for the petitioner at length and have also perused the paper book with his able assistance. However, I am of the view that the present petition deserves to be dismissed.

From the perusal of the impugned order Annexure P-4, it is evident that petitioner joined Punjab Electricity Board as Assistant Engineer on 16.09.1991 and was promoted as Senior XEN in the year 2006. It is further evident and not denied by learned Counsel for petitioner that petitioner was granted leave on the condition that before 15 days of expiry of leave, petitioner would submit an application to Joint Secretary, PSPCL, Patiala for further posting. However, it is an admitted fact that petitioner did not submit any such application and rather sought further extension of his leave. It is also apparent from order Annexure P-4 that petitioner had shown his address as House No.172, Sector 36-A, Chandigarh with the respondent-Department for future correspondence and further had not taken any No Objection for going abroad. Consequently, the department had started communicating with petitioner by issuing him memos on the aforesaid address of Chandigarh. However, same were returned back with the report of "Left India". Not only this, the department had sought information from AFFRRO Departure/Arrival, New Delhi, who vide its report dated 13.12.2013 had informed that there is no record of petitioner having returned to India. In this situation, the department was right in initiating departmental action as per law and order his termination from service. It is seen that petitioner was posted as XEN and, therefore, was a senior officer, requiring discharge of important administrative and field functions in the department. Consequently, it did not behove his conduct to

stay absent from duty, by not disclosing the factum of having left for abroad.

Learned Counsel has not been able to deny the aforestated facts mentioned in the impugned order.

In this view of the matter, the respondent-department had rightly terminated the services of petitioner and the Appellate Authority had rightly upheld his termination. In view of the peculiar facts of the case, the argument of petitioner that Appellate Authority had not passed a speaking order, deserves to be ignored, as there was long absence of petitioner from duty. Therefore, the Court cannot set aside the order on the basis of technicalities, especially when the facts of the case speak for itself. Hence, it is held that petitioner is not entitled to grant of any relief, as there is clear cut dereliction from duty.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

July 05, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>