

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CWP No.20977 of 2015
Date of decision: 31.08.2018

Baljit Singh

...Petitioner

Vs.

State of Punjab and Ors.

...Respondents

CORAM:HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kapil Kakkar, Advocate for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

JITENDRA CHAUHAN, J.(ORAL)

This writ petition under Article 226 of the Constitution of India has been filed for setting aside the order dated 12.06.2013 (Annexure P-9) passed by respondent No. 2 vide which the petitioner was removed from service and; order dated 30.03.2015 (Annexure P-13) passed by respondent No. 1 vide which the appeal filed by the petitioner was rejected.

It is contended that the impugned orders Annexures P-9 and P-13 have been passed illegally and without affording an opportunity of personal hearing to the petitioner and the principle of natural justice has been given a go-bye. The absence of the petitioner is well explained and the proceedings had been initiated after a gap of more than 3 years. The copy of the enquiry report was not supplied to the petitioner. Therefore, the impugned orders are liable to be set aside.

On the other hand, it has been submitted by learned State counsel that the petitioner is a habitual absentee. He remained absent from his duty w.e.f. 30.11.2002 to 28.11.2007. A charge-sheet was served upon the petitioner for imposition of major penalty under Rule 8 of Punjab Civil

Services (Punishment and Appeal) Rules, 1970. The petitioner did not file any reply to the charge sheet, accordingly, Deputy District Education Officer (Secondary Education) Shaheed Bhagat Singh Nagar was appointed as an enquiry officer. The enquiry officer submitted his report by observing that the petitioner remained absent from 30.11.2002 to 28.11.2007. The reasons furnished by the petitioner were found to be not satisfactory. Therefore, the petitioner was rightly removed from service vide Annexure P-9.

Heard.

It is to be seen that the petitioner remained absent from his duty for a long period of 5 years. The reason stated for absence is an accident in which allegedly his maternal uncle has been rendered disabled. However, in support of the assertion no evidence whatsoever was produced by the petitioner. Not only that, even in the present writ petition the petitioner has not disclosed any cogent reason for his long absence. It appears that the petitioner remained entangled somewhere else and the long unexplained absence amounts to grave misconduct and reflects his casual attitude without bothering for his unauthorized absence from duty for more than four and a half years. The petitioner has failed to show as to how the impugned orders are illegal, arbitrary and without application of judicious mind. The impugned orders do not call for any interference by this Court as removal from service on account of indiscipline of unauthorised absence is not unjustified. Consequently, the present writ petition is hereby dismissed.

(JITENDRA CHAUHAN)
JUDGE

August 31, 2018
Poonam (II)

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No