

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

CWP 1576/2018

Date of decision:25.01.2018

Sukhjit Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Monu Khan,Advocate for the petitioner.

Jaswant Singh,J,(Oral).

Petitioner, a dismissed Constable by filing instant writ petition has laid challenge to order dated 20.3.2008 (P-3) whereby he has been ordered to be dismissed from service for having remained absent from duty from 29.8.2007 till the date of passing of punishment order P-3.

From a perusal of paperbook it is apparent that petitioner was doing basic commando Course at Bahadurgarh Patiala. On 28.8.2017 he applied leave for one day and was to return back on 29.8.2017. He failed to do so. Thereafter through Special Messenger he was directed to join duty but he did not. Ultimately, he was charge sheeted and Inquiry Officer was appointed. The inquiry Officer thrice sent notices at his residential address asking him to join duty, but petitioner failed to join inquiry. The Inquiry Officer accordingly proceeded ex parte and the petitioner was found guilty of willful absence vide report dated 29.8.2007. Thereafter the punishing authority issued show cause notice to petitioner to show cause as to why he be not dismissed from service, but petitioner again neither replied the show cause notice nor turned up before the punishing authority. It is in this background that the impugned punishment order dated 20.3.2008(P-3) was passed dismissing petitioner from service for his proven misconduct of having remained absent from duty.

At the time of hearing it is submitted that during the period the inquiry took place the petitioner was abroad and respondents despite aware of the same were sending necessary correspondence at the address given by him at the time of his recruitment. It is further submitted that no notice was published in any newspaper enabling him to defend his case properly.

As noticed above, petitioner had applied for leave for one day i.e. for 28.8.2017 and he was required to return back on duty on 29.8.2017. But instead of joining his duty he went abroad without any permission or leave from the competent authority. The communications sent by the department were received by the family members of the petitioner and thus he cannot say at this stage that he was not aware of the on going proceedings against him. Even if notice was published in the local newspaper that would have made no difference as concededly the petitioner throughout remained abroad.

Even the instant writ petition is hopelessly time barred as the impugned order was passed about ten years back which has now been challenged.

In view of the above, finding no merit in this petition the same is dismissed in limine.

25.01.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No