

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

CWP No.19963 of 2018

Date of Decision:-13.08.2018

Kulwinder Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. P.K.S. Phoolka, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner is stated to have joined as a Constable on 7.4.2005. Departmental proceedings for imposition of major penalty was initiated on account of his absence from duty for a total 69 days comprising intermittent spells w.e.f. 29.09.2009 till 06.12.2010. Upon conclusion of the inquiry proceedings he was dismissed from service vide order dated 28.02.2011 (P-1). The statutory appeal was dismissed vide order dated 12.12.2011 (P-2) and the Revisional Authority also dismissed revision vide order dated 25.04.2012. Although it is disputed by the department, however, it is claimed that petitioner had made a mercy petition dated 15.12.2014 by claiming that the absence was on account of illness and treatment of his mother. The petitioner thereafter stated to have filed CWP No.7389 of 2016, which was disposed of vide order dated 23.5.2016 with the direction

that the revision/mercy petition be decided within eight weeks. Consequently speaking order dated 12.08.2016 (**P-4**) was passed disputing the filing of the mercy petition. However on merits it was recorded that the applicant had placed no documentary proof on record to show the illness of his mother for the spells for his absence from duty.

Now after two years of the aforesaid speaking order P-4 the present writ petition has been filed claiming that some lesser punishment should have been imposed.

After hearing learned Counsel for the petitioner, no ground to invoke the extraordinary jurisdiction is made out. It is well settled that in a disciplined force absence from duty is a grave misconduct inviting the punishment of dismissal from service. In the facts of the case, if the Authorities have taken that view, this Court cannot substitute its own opinion, moreso when the petitioner had only worked for six years. That apart, there is also inordinate delay inviting nothing less but a dismissal of the present writ petition.

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

(JASWANT SINGH)
JUDGE

August 13, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>