

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-20008-2018

Date of decision: 13.08.2018

Swami Nath

...Petitioner

V/s.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Vivek Sharma, Advocate for the petitioner.

Ritu Bahri, J. (Oral).

The petitioner has come up in this petition seeking quashing of the order dated 26.04.2013 (Annexure P-7) whereby his services have been terminated.

A perusal of the order shows that petitioner was working as Beldar from 31.03.1993 to 11.06.1996. Thereafter he remained absent from 01.11.1996 onwards. The Department proceeded to issue show cause notice to him under Rule 7 of Haryana Civil Services (P&A) 1987 on 07.02.2013. He did not submit his defence reply to the charge sheet. Thereafter notice was published in the leading newspaper and the date of final opportunity of hearing was given on 26.2.2013. Even on this date, he did not appear. Thereafter as per rule 3.25 of CSR Volume-1, Part-1, his services have been terminated.

“A Government servant does not resume duty after remaining on leave for a continuous period of five years, or where a Government servant after expiry of his leave remains absent from duty he will be deemed to have resigned and shall accordingly cease to be in Government employment.”

As per the above said rule, the petitioner has absented himself continuously for more than 10 years, the impugned order has been rightly

passed after giving him due notice.

Learned counsel for the petitioner further states that he has filed his reply on the charge-sheet on 22.03.2013. Even this reply was filed after the notice in the newspaper. The petitioner was also given opportunity of personal hearing but he did not appear. Hence, the impugned order does not suffer from any illegality.

Dismissed.

13.08.2018

Divyanshi

(RITU BAHRI)
JUDGE

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