

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

CWP No.26285 of 2018

Date of Decision:-12.10.2018

Manjit Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Malkeet Singh, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Petitioner was appointed as Science Master in December 1994. His services were regularized w.e.f. 5.2.1997. The petitioner applied for self employment leave for 05 years from 01.11.2005 to 31.10.2010. Petitioner is stated to have remained on half pay leave from 01.05.2013 to 10.05.2013. He applied for Ex-India Leave w.e.f. 28.10.2013 till 30.09.2016 on account of illness of his wife and daughters living in Canada, which was received in the office on 21.10.2013 and was rejected and yet he proceeded for Canada and remained absent from duty w.e.f. 28.10.2013. Petitioner was declared as unauthorisedly absent without any leave sanctioned from the department.

Counsel for the petitioner heard.

It is not in dispute that the sanction of the leave was declined.

Manjit Singh-petitioner is stated to have appeared on 26.02.2015 before the Director Secondary Education, Punjab. However, the chargesheet resulted into an ex-parte inquiry report dated 19.05.2014 returning the findings of the willful absence from duty. Consequently, the punishment order of dismissal from service was passed on 22.07.2015 (P-4).

It is conceded that the punishment order of dismissal was appealable under the provisions of the Punishment and Appeal Rules, 1970. No such appeal was filed. Now after a delay of more than 03 years the present order has been challenged in writ jurisdiction when concededly even a civil suit would be barred by law of limitation. The Hon'ble Supreme Court has also held that in case of unauthorised absence for long of permanent government employees leads to inference of an abandonment of job wherein no inquiry is required.

Dismissed.

(JASWANT SINGH)
JUDGE

October 12, 2018
Vinay

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