

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-210-2016

Date of Decision: September 20, 2018

Bijander Kumar

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.N.P.Bhardwaj, Advocate for the appellant.

Ms.Shubhra Singh, Addl.AG, Haryana.

.....

SURYA KANT, J.(ORAL)

This Letters Patent Appeal assails the order dated 16.11.2015 whereby learned Single Judge dismissed the appellant's writ petition and has upheld his dismissal from service.

[2] The appellant was recruited as a Constable in Haryana Police in the year 1994. He was found absent from the duty for a period of 251 days for which he was charge-sheeted; Inquiry held; opportunity of hearing given and having been found guilty in the Inquiry, the Disciplinary Authority imposed the punishment of 'dismissal from service'. The appeal and the revision filed by the appellant also met with the same fate. He then approached this Court and the learned Single Judge vide order under appeal has dismissed the writ petition observing that the unauthorised absence by a

member of disciplined force is unpardonable, more so when the appellant did not even bother to apply for leave or to inform the Department the alleged reason which prevented him from joining the duties. Still aggrieved, the appellant has filed this Intra Court appeal.

[3] When this matter came up for hearing before a Co-ordinate Bench on 26.04.2016, notice of motion was issued on the limited ground that whether punishment of 'compulsory retirement' can be imposed on the appellant keeping in view his length of service? Thereafter the matter was heard at a considerable length on April 18, 2017, when the following order was passed:-

“Learned State counsel has handed over a chart giving details of the period during which the appellant was found absent from duty repeatedly. It is evident that punishments like stoppage of five and three increments respectively with cumulative effect and one increment without cumulative effect were also imposed on account of his absence from duty. A copy of the chart has been given to learned counsel for the appellant. Let the explanatory affidavit, if any, be placed on record.”

[4] Today, the appellant has filed affidavit which is totally vague and evasive. Learned State counsel has reiterated that the appellant was a habitual absentee, who was punished with major punishments like stoppage of five and three increments with cumulative effect earlier also and that he is an incorrigible police official, who again absented from duty for a long period of 251 days.

[5] Taking into consideration the entire service record of the appellant, we are satisfied that the punishment of dismissal from service

imposed on him is neither excessive nor it calls for any interference in exercise of judicial review.

[6] Dismissed.

(SURYA KANT)
JUDGE

September 20, 2018
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |