

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

LPA No. 1394 of 2017 (O&M) in
CWP No. 7509 of 2014

Date of decision: 15.2.2018

Surinder Kumar Sharma

.. Appellant

VS

The State of Punjab and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Anil Kshetarpal**

Present: Mr. Yashasvi Kapila, Advocate, for the appellant.

Rajesh Bindal, J.

Order passed by the learned Single Judge dated 6.2.2017 dismissing the writ petition has been challenged by filing the present intra-court appeal.

The facts in brief are that the appellant joined as Clerk in the office of Consolidation-cum-Land Records, Jalandhar, on 15.4.1969. He applied for ex-India leave for 90 days to visit Canada, which was granted with effect from 24.12.1986 with a specific condition that he will not seek extension in leave. However, even after expiry of leave period, he did not report for joining. Hence, he was declared as absent from duty. Show cause notice dated 28.1.1988 was issued. Enquiry Officer was appointed and finally the appellant was removed from service on 16.1.1989. First application was filed by the appellant for grant of pensionary benefits on 12.2.1992. Thereafter, he kept quiet. Second application was filed more than

20 years later on 31.7.2012, which was followed by another representation dated 16.8.2012. As the appellant had been dismissed from service, he was not entitled to any benefits.

The order of dismissal was never challenged by the appellant, which itself shows that the appellant may be primarily residing in Canada. Whenever he visits India, he must be filing the representation for having best of both the worlds. As he had been dismissed from service, there was no question of grant of any benefit to him.

The issues raised by the appellant have been considered in detail by learned Single Judge. There is no error in the order passed. The appeal is accordingly dismissed. Consequently, the application for condonation of delay in filing the appeal is also dismissed.

(Rajesh Bindal)
Judge

15.2.2018
vs

(Anil Kshetarpal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No