

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

**LPA No.1356 of 2018
Date of decision: 02.11.2018**

Anu Kalra

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Vivek K. Thakur, Advocate for the appellant.

KRISHNA MURARI, C.J. (Oral)

This intra court appeal filed under Clause X of the Letters Patent is directed against the judgment and order dated 11.01.2018 passed by the learned Single Judge dismissing the writ petition filed by the appellant challenging the order dated 02.12.2013 removing her from service under Rule 5(viii) of the Punjab Civil Service (Punishment and Appeal) Rules, 1970.

Undisputed facts are that the appellant made an application dated 01.08.2011 seeking extraordinary leave without pay for a period of 5 years to go to Canada where her husband was settled. Certain formalities in respect of grant of leave were underway as the appellant was required to submit documents like Passport & Visa etc., but in the meantime without even waiting for grant of leave she left and did not turn up for her duties. It was only on 18.11.2016, she approached the respondent-Department to allow her to join duties. Thereafter, it came to her notice that she was

removed from service vide order dated 02.12.2013 after a disciplinary inquiry.

The facts available on record goes to show that on account of absence from duty without sanctioned leave, charge-sheet dated 07.01.2013 was issued and an inquiry was ordered to be initiated against her as per the instructions of the Government after publication of a Public Notice in different newspapers. Since there was no response on behalf of the appellant, the inquiry was concluded and the charges against her were proved. Accordingly, the appellant was removed from service.

It is an admitted case that without sanction of the leave, the appellant left the country and did not report for the duties. Even, she did not respond to the disciplinary proceedings. She violated the terms and conditions of the service and punishment was inflicted upon her after following the due procedure and, thus, the learned Single Judge committed no illegality in dismissing the writ petition. Thus the order impugned does not calls for any interference.

The appeal is devoid of merit and accordingly stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

02.11.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO