

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

CWP No.6207 of 2019
DATE OF DECISION : 27th MAY, 2019

Surjit Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

* * * *

Present : Mr. H. S. Saini, Advocate for the petitioner.

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RAJAN GUPTA, J. (Oral)

 Contends that the petitioner was appointed as Restorer on 09.04.2009 in the Punjab Civil Secretariat, Chandigarh on compassionate grounds. He worked as such till 2010. He remained absent from duty for various periods. Vide letter dated 26.03.2010, his explanation for absence from duty was sought. He replied that he had met with an accident on 01.03.2010. For the period 02.03.2010 to 05.03.2010, he got his leave sanctioned. Thereafter he remained on duty on 08.03.2010 and 09.03.2010. As he had reaction of some medicine, he could not attend the duty from 11.03.2010 to 30.03.2010. He, thus, submitted that he may be granted leave for the said period. Respondents rejected his explanation and asked to submit documentary evidence. Petitioner, thereafter, submitted a fresh explanation. Petitioner again remained absent from duty from 05.05.2010 to 10.06.2010 i.e. about 26 days. He gave an oral application for his absence which was not accepted. On 14.07.2010, the authority came to the conclusion that petitioner was willfully absent and, thus, passed order Annexure P-6. For remaining absent for various period, petitioner was issued chargesheet under Rule 3 (iii) of Rule-5 of Punjab Civil Services (Punishment and Appeal) Rules,

1970 for imposition of major penalty. A regular enquiry thus ensued. Petitioner filed reply to the show cause notice. He was also given an opportunity of personal hearing. However, the enquiry officer came to the conclusion that petitioner was guilty of misconduct on account of willful absence. Vide order dated 26.03.2012 the disciplinary authority imposed the punishment of removal from service. Aggrieved, petitioner filed appeal before the Secretary, Personnel and General Administration, Punjab Civil Secretariat. Said appeal was rejected vide order dated 08.06.2012. Petitioner, thereafter, preferred review application before Chief Secretary, Government of Punjab but remained unsuccessful. Thereafter, petitioner filed number of representations making same prayer. However all were rejected being without any merit. It appears that last order was passed on 12.07.2013, Annexure P-20 herein. Petitioner, thereafter, appears to have made some representation in the nature of mercy petition. After the last order was passed in 2013 six years have elapsed. The representations filed thereafter cannot help the petitioner for condoning the delay and laches. Besides, on perusal of record this court does not find any infirmity in the enquiry proceedings and order passed by the disciplinary authority. Admittedly, petitioner was allowed to submit his reply and even given personal hearing by the authority. However, on account of his willful absence for varying periods, disciplinary authority came to the conclusion that he was guilty of misconduct, thus invited major penalty.

In view of the above, no ground for interference in writ jurisdiction is made out. Dismissed.

27th MAY, 2019
'raj'

(RAJAN GUPTA)
JUDGE

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