

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

**CWP-18564-2019 (O&M)
Date of Decision:11.07.2019**

Kamal Kumar

... Petitioner

Versus

The Municipal Council, Batala & another

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. A.K. Walia, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

As per pleadings on record, petitioner was appointed as a Sweeper on temporary basis in the year 1993 under Municipal Council, Batala. Services of the petitioner were regularized w.e.f. 20.10.1994.

Petitioner concededly has absented from duty w.e.f. 30.01.2017 and upto 10.04.2018.

Instant petition has been filed raising a grievance that he is not being permitted to join back on duty.

The categoric contention raised by counsel is that no show cause notice/charge sheet or inquiry is pending against the petitioner and neither has he been placed under suspension.

Having heard counsel for the petitioner at length, this Court is not inclined to issue any directions to the respondents for the petitioner to be permitted to join back in service.

Even as per the pleadings on record, petitioner is a delinquent employee who remained absent from duty for a period of almost 15 months and without any sanctioned leave. Be that as it may, the respondent/

Municipal Council, Batala is certainly obligated to initiate appropriate proceedings as per law against the petitioner and if not already done so far.

In view of the above, the instant writ petition is disposed of with a direction to the Executive Officer, Municipal Council, Batala, District Gurdaspur to look into the matter as regards the absence from duty of the petitioner and thereafter to initiate proceedings as may be permissible in accordance with law.

Writ petition is disposed of.

It is, however made clear that nothing contained in this order may be construed as a directive to respondent No.2 to act against the petitioner in any particular manner.

11.07.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |