

Sr. No.144

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

**CWP No.22081 of 2019 (O&M)
Date of Decision: 21.08.2019**

Kawaljit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sapan Dhir, Advocate,
for the petitioner.

ARUN MONGA, J.

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari for quashing the impugned order dated 21.12.2018 (Annexure P-10), whereby claim of the petitioner for reinstating him in service has been rejected and also for quashing order dated 15.01.2010 (Annexure P-8) (stated to have been received by petitioner in the year, 2017) whereby services of the petitioner were terminated due to continuous absence from duty.

2. Adverting to the facts, though succinctly the petitioner was appointed on temporary basis as Vocation Master (Garment Making) on 25.09.1982 at Government High School, Habowal Khurd, Ludhiana. His services were later confirmed as a regular employee vide order dated 01.04.1985. On 03.10.1985, he was transferred to Government High School, Vichhoha (Amritsar).

However, due to chronic health problems of his son and daughter,

he sought leave without pay. Still later, petitioner was transferred to Government High School, Tur within District of Amritsar where he joined duty. Yet again, on the ground of health problems stated to be suffered by his family members including him, only after one day of joining, he sought leave without pay. He also submitted a representation dated nil (Annexure P-4).

3. Petitioner was later charge-sheeted on 21.12.2005, which claims the petitioner was never served on him. Various letters were also sent to the petitioner during 2005-2007 at his residence in Jagraon (Ludhiana). The petitioner states that he never received any such letters as he was residing in Amritsar, though he used to visit Ludhiana/Jagraon to attend to his family members who were under medical treatment.

4. Departmental proceedings were also initiated and the Inquiry Officer held the petitioner guilty of the charge of absence from duty without any sanctioned leave. Vide inquiry report dated 22.01.2007 (Annexure P-5), the petitioner was indicted of delinquency of having deliberately remained absent from duty w.e.f. 01.10.1991.

5. Petitioner claims that the inquiry report was also not provided to him and he got copy of the same for the first time in the year 2017.

6. Based on the inquiry report, vide punishment order dated 15.01.2010 (Annexure P-8) impugned herein, services of the petitioner were terminated and appeal filed by the petitioner on 08.03.2018 was dismissed by the appellate authority/respondent

No.2 vide order dated 21.12.2018 (Annexure P-10) though in cryptic manner stating that his request to rejoin the duty has been considered and rejected. Hence, the writ petition.

7. Having heard learned counsel for the petitioner and upon perusal of the writ petition along with relevant record appended thereto, I am of the view that the writ petition is devoid of any merit and deserves to be dismissed for the reasons stated hereinafter.

8. Assuming the reasoning of absence from work to be gospel, it defies complete logic that the petitioner would continue to believe that the respondents would not take any adverse action in accordance with law against the petitioner for his wilful absence. The petitioner remained absent from duty for as many as 18 years. One fine day, he sprung up and decided to join duty and approached the respondents with an innocuous plea that he was not aware of the departmental proceedings initiated against him. The purported innocence and explanation thereto does not inspire any confidence.

9. In any case, there is no explanation, let alone any plausible one, as to what stopped the petitioner to approach the respondents showing any mitigating circumstances or the reasons beyond control of the petitioner that led to his absence from work without seeking any sanctioned leave.

10. As regards, the medical records relied by the petitioner that he was suffering from chronic disease, as alleged, the same belies the seriousness of ailment reflected from reports

of Blood Pressure test, TMT, Stress test and MRI scan and sugar test. Most of these tests/reports are normal and, therefore, the stand of the petitioner is highly self contradictory.

11. That apart, the respondents also issued public notice in newspapers and yet the petitioner did not respond.

12. In view of the my discussion above and reasons contained therein, I am of the view that the impugned order of punishment dated 15.01.2010 (Annexure P-8) does not suffer from any infirmity and the same has been passed in accordance with Rule 5 (viii) of Punjab Civil Services (Punishment and Appeal) Rules, 1970.

13. As regards the allegations that the appeal of the petitioner has been dismissed in a cryptic manner vide order dated 21.12.2018 (Annexure P-10), a perusal of the so called appeal reflects that the same is not an appeal as has been alleged by the petitioner. It is neither a statutory appeal nor even otherwise recited as such. It was merely a mercy representation, at best, submitted by the petitioner, that too after a delay of 11 years of his having been removed from service.

14. Writ petition is devoid of any merit and the same also suffers from delay and laches.

15. Dismissed accordingly.

(ARUN MONGA)
JUDGE

21.08.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No