

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

CWP No.30728 of 2018

Date of decision:-15.01.2019

Sahil Walia

.....Petitioner

versus

Punjab Water Supply & Sewerage Board and another

.....Respondents

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

Present:- Mr. Dhiraj Chawla, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner who was holding the post of Junior Engineer under the Punjab State Water Supply & Sewerage Board, has filed the instant petition seeking quashing of a charge-sheet dated 27.07.2018 (Annexure P-15).

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the instant petition is bereft of merit and deserves to be dismissed.

The impugned charge-sheet has been placed on record and appended at Annexure P-15. The precise summary of allegations levelled against the petitioner are in the following terms:-

“ Sh. Sahil Walia, Junior Engineer is working at Punjab Water Supply & Sewerage Division No.4, Amritsar. You vide application dated 10.04.2017 had applied for earned leave from 17.04.2017 to 30.06.2017. Which was rejected vide letter no.132 dated 11.04.2017 by Sub Divisional Engineer, Punjab Water Supply & Sewerage Division No.4, Amritsar. In continuation to this letter Executive Engineer, Punjab Water Supply and Sewerage Division No.1, Amritsar vide letter no.1147 dated

11.04.2017 keeping in view the importance of pending works, rejected your leave application. Executive Engineer, Punjab Water Supply & Sewerage Division No.1, Amritsar vide letter no.1441 dated 26.04.2017 further directed you to join your duties immediately.

Sub Division Engineer, Punjab Water Supply & Sewerage Division No.4, Amritsar vide letter no.140 dated 12.04.2017 and letter no.148 dated 21.04.2017 directed you to join your duties immediately and it was also mentioned that in case you do not join then disciplinary action will be recommended against you. Again vide letter no.158 dated 02.05.2017 you were directed to join your duties but you did not resume your duties vide letter no. 159 dated 02.05.2017 the Sub Divisional Engineer, Punjab Water Supply & Sewerage Division No.4, Amritsar recommended initiation of disciplinary action against you. Vide letters mentioned above you were directed time and again to join your duties but you deliberately did not join.

Apart from the above you have not taken due permission from the Board for doing 3 years LL.B.Degree Course.

On the above basis it is evident that you have remained negligent in performance of your duties which reflects your lack of discipline therefore you are guilty of the above allegations.

*Engineer-in-Chief-cum-Technical Advisor
Punjab Water Supply & Sewerage Board, Chandigarh.”*

As per allegations, petitioner had submitted an application dated 10.04.2017, for grant of Earned Leave from 17.04.2017 to 30.06.2017 and which was rejected vide order dated 11.04.2017, passed by the Sub Divisional Engineer.

Apparently, inspite of rejection of his application, petitioner did not resume duties. The charge-sheet makes a reference to a number of communications calling upon the petitioner to report back for duty. In spite

thereof, petitioner chose not to report back and under such circumstances a recommendation was made to initiate proceedings for taking disciplinary action.

During the course of hearing, learned counsel representing the petitioner has conceded that the petitioner took admission in the three years LL.B degree course without prior permission from the Board. It is submitted that the petitioner had already qualified three semesters and under such circumstances he was constrained and handicapped in not having reported back on duty.

It goes without saying that the petitioner while holding the post of Junior Engineer under a State Government instrumentality is bound by certain conduct rules. Continuously remaining absent from duty is a matter which ought to be gone into. The impugned charge-sheet has been issued upon the petitioner and which is in terms of initiation of departmental proceedings on the very charge as has been noticed hereinabove.

Even otherwise it is not the case of the petitioner that the impugned charge-sheet has been issued by an authority not competent to do so, or that it has been issued on account of mala fide exercise of power.

There would be no basis that would warrant interference by this Court in exercise of its extraordinary writ jurisdiction.

The writ petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

15.01.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No