

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

L.P.A. No.262 of 2020 (O&M) in
Civil Writ Petition No.23261 of 2010
Date of decision: February 28, 2020

Joga Singh ...Appellant

Versus

Punjab State Electricity Board and another ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Munish Gulati, Advocate
for the appellant.

HARINDER SINGH SIDHU, J.

1. This Letters Patent Appeal has been filed against the judgment dated 20.11.2019 in CWP No.23261 of 2010 titled 'Joga Singh vs. Punjab State Electricity Board and another' whereby the writ petition filed by the appellant was dismissed.
2. The appellant had filed the petition impugning the appellate order dated 19.03.2008 whereby his dismissal order dated 13.11.2007 was upheld. He also sought quashing of order dated 26.05.2010 whereby the

review petition filed by him against appellate order dated 19.03.2008 was dismissed.

3. The appellant while working as Assistant Lineman in the respondent Board was dismissed vide order dated 13.11.2007. His appeal and review also having been dismissed he filed the writ petition.

4. His primary contention was that there was complete violation of the principles of natural justice while passing the impugned orders.

5. The case of the respondents was that the appellant was transferred in the year 2000. He did not accept the said transfer order but filed a writ petition challenging the same. The writ petition was however dismissed. Thereafter, instead of complying with the transfer orders he abandoned his service. He did not join at the place of transfer. He remained absent for almost seven years. Consequently, the dismissal order dated 13.11.2007 was passed. As regards his plea of denial of natural justice the Ld. Single Judge noticed that the dismissal order itself reflected that more than deserving opportunity was afforded by the disciplinary authority to enable the appellant to appear before it. Eventually, he was forced to take ex parte proceedings. Though, the appellant did not comply with the transfer order dated 13.01.2000 yet with a view to accommodate him he was again transferred vide transfer order No.107 dated 15.02.2000 to the office of Superintending Engineer, Muktsar. There also, he did not report for duty. At that stage no adverse action was taken against him. Vide order dated 22.08.2003, he was transferred/posted from the office of Superintending Engineer to the Senior Executive Engineer, Fazilka, yet

appellant did not join at that place also. At that stage the respondents prepared the list of charges dated 20.04.2004 and sent the same to his residential address but the appellant refused to receive the charge sheet. Then the competent authority i.e. Executive Engineer made personal efforts to serve the charge sheet by hand through Sub Divisional Officer. The appellant declined to accept the same. Thereafter through a publication in Newspaper (Daily Punjabi Newspaper "Ajit") dated 27.08.2005 the appellant was yet again called upon to join duty within 15 days, but to no avail. Vide order dated 17.05.2006 one Mr. Babu Lal Chhokra, Assistant Executive Engineer was appointed as inquiry officer with instructions to him to send report. The said Inquiry Officer vide letters dated 13.06.2006 and 09.10.2006 tried to serve the petitioner on his permanent address. The said letters were returned by the postal department with remarks "refused to receive the letter". The department yet again gave newspaper publications in Indian Express on 03.02.2007 followed by Punjabi Tribune on 06.02.2007 calling upon the appellant to come present within 15 days of the publication of the said notices. The petitioner did not respond to the same. It was only then that the disciplinary proceedings were carried out ex parte by the disciplinary authority and the order terminating his services was passed.

6. The Ld. Single Judge held that in the aforesaid background the disciplinary authority was left with no choice but to award the punishment of termination. The appellate authority had also rightly upheld his punishment order. The writ petition was dismissed.

7. The facts are self speaking. The termination order and the appellate order were rightly upheld by the Ld. Single Judge.
8. The appeal is accordingly dismissed.

(RAJIV SHARMA) (HARINDER SINGH SIDHU)
JUDGE JUDGE

February 28th, 2020

gian/m

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No