

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

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CWP-2784-2022

Date of decision : 14.02.2022.

Dr. Shyamal Koley

... Petitioner

Versus

Guru Nanak Dev University, Amritsar and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Harchand Singh Batth, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has sought quashing of order dated 07.02.2022 (Annexure P-6) passed by respondent No.3 whereby his request for grant of earned leave w.e.f. 09.02.2022 to 10.03.2022 has been declined.

Learned counsel for the petitioner contends that the petitioner was working as the Head of the Department of Physiotherapy in the respondent/University. He had been suspended from service on account of alleged irregularities in marking the answer sheets of the students. The petitioner is a permanent resident of Calcutta and his family members are also residing there. The petitioner has sought earned leave as his mother, who is over 78 year old, is suffering from various ailments and he has not visited his mother for over a year. He undertakes that at the expiry of the period of earned leave, he would immediately report at the place of posting.

Issue notice to the respondents.

At the asking of the Court, Mr. M.K. Dogra, Advocate accepts notice on behalf of the respondents and submits that the petitioner had been placed under suspension as there were serious allegations of tempering with the answer sheets. He also submits that there is an apprehension that the petitioner

might use earned leave as a pretext to delay the departmental proceedings and the vigilance enquiry which is also pending against him.

At this stage, learned counsel for the petitioner contends that the petitioner would not make any effort to delay the enquiry and other proceedings pending against him.

Heard.

The petitioner is the Head of the Department of Physiotherapy in the respondent/University. He is stated to be 56 year old and his mother, who is over 78 year old is residing at Calcutta and is suffering from various ailments. It would, therefore, be in the interest of justice if the petitioner is granted earned leave for a period of thirty days to enable him to attend to his ailing mother.

Consequently, the petition is allowed and the impugned order is set aside. The petitioner shall be granted earned leave for a period of thirty days. The petitioner shall promptly report back at his place of posting on the expiry of such period and shall not make any effort to delay the enquiry and other proceedings pending against him.

(ANUPINDER SINGH GREWAL)
JUDGE

February 14, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No