

Sr. No.338

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1700-1997

Date of decision: 07.04.2022

Munish Kumar Sethi

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. P.L. Verma, Advocate,
For the petitioner.

Mr. R.K.S. Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1997, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to reinstate the petitioner in service with all consequential relief.

2. Heard.

3. I have perused the punishment order dated 13.09.1994 contained at Annexure P-8, which is premised on the following valid reasoning:-

XXX

XXX

“The explanation given by Shri Munish Kumar Sethi, Junior Engineer (Horticulture) in response to the show cause notice has been carefully examined and found to be unsatisfactory, as he has not given proper reply to show cause notice, issued vide this office memo No.7718/Eiii dated 16.05.1994. He has raised extraneous reasons, which are not relevant to this case. It goes to prove that Shri Munish Kumar Sethi J.E. (Hort) has nothing to say in his defence. Thus he is fully responsible for not handing over the charge and willfully absenting himself from Govt. duty unauthorizedly without proper permission.

Taking into consideration all the facts and circumstances of the case, the charges leveled against Shri Munish Kumar Sethi Junior Engineer (Horticulture) are proved. In my capacity as appointing authority, I hereby remove Shri Munish Kumar Sethi J.E. (Hort) from service. It is, therefore, ordered accordingly.”

4. No irregularity either in facts or law has been committed.
5. The petitioner himself abandoned the department/ his employer without following due procedure of seeking any leave etc. On the top of it, when he was issued the notice to join the departmental proceedings, he willingly did not participate in the same. It would, therefore, be safe to assume that he had consciously acquiesced to the outcome of the departmental proceedings, inasmuch as, the Inquiry Officer rendered an adverse report, which was duly accepted by the punishing authority.
6. In fact, on a closure scrutiny of the matter, I am of the opinion that punishing authority was though not required to give his independent reasons of having accepted the report, but yet speaking order was passed while awarding the punishment to the petitioner.
7. As already opined, I am in agreement with the reasons recorded therein, no grounds are made out to interfere.
8. Dismissed.

07.04.2022

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No