

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

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CWP-7161-2022

Date of decision : 05.04.2022.

Rahul Singla

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Arjun Dhingra, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has sought quashing of the order dated 15.02.2022 (Annexure P-10) whereby his representation for allowing him to join service has been declined.

Learned counsel for the petitioner contends that the petitioner had been employed as a Fireman on contractual basis. There was an incident of fire in the Municipal Office, Nuh in the night of 25.01.2020 and an FIR was lodged. The petitioner was named in the FIR and he had to apply for anticipatory bail, therefore, he could not join service. There would be a valid reason for not joining the service due to pendency of the FIR against the petitioner and his services could not have been dispensed with. The petitioner had later preferred a petition bearing CWP No.21958 of 2020, which was disposed of by a Coordinate Bench of this Court on 06.12.2021 (Annexure P-9) by directing the respondents to consider and decide the representation of the petitioner but the same has been rejected by the respondent while passing the impugned order (Annexure P-10).

Heard.

The petitioner is stated to have been appointed as a Fireman on contractual basis for a period of one year or till the selection of the regular employees w.e.f. 24.05.2018 (Annexure P-1). The FIR was registered against him with regard to a fire incident on 26.01.2020. The petitioner had preferred an application for grant of anticipatory bail which was allowed by the trial Court on 28.05.2020 (Annexure P-3). He had remained absent from duty from 26.01.2020 till he filed the representation before the respondents on 05.10.2020. The period of absence without leave is about 9 ½ months. Even after the petitioner had been granted anticipatory bail on 28.05.2020, he had submitted a representation for joining duty on 05.10.2020, about 4 ½ months thereafter. The petitioner had later been acquitted on 26.08.2021 (Annexure P-8).

In view of the above especially when the petitioner was a contractual employee and was absent from duty without leave for a period of about 9 ½ months, the order dispensing with the services of the petitioner cannot be said to be illegal which would warrant interference while exercising writ jurisdiction.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

April 05, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No