

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13249-2017

Date of Decision :29.08.2022

Raghbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jawahar Lal Goyal, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. A.G. Haryana.

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Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance of the petitioner is that vide order dated 31.08.2016 (Annexure P/9) passed by the respondents, the period starting from 19.12.2008 till 10.03.2009 of his service has been treated as leave of the kind due whereas, the same needs to be treated as duty period for all intent and purposes.

The facts as mentioned in the present writ petition are that the petitioner was appointed as DPE on 08.02.1995 on adhoc basis with the respondents and the services of the petitioner were regularised by the respondents on 01.10.2003. Vide order dated 23.08.2008 passed by the respondents, the petitioner was placed under suspension and office of the D.E.O. Kurukshetra was fixed as his headquarter. The petitioner remained under suspension till 18.12.2008, after which date, the said suspension order was withdrawn and the petitioner was directed to join his duties at

Government Senior Secondary School, Seonsar, District Kurukshetra but,

rather than attending duties at said school after reinstatement in service, the petitioner kept on visiting the office of D.E.O. Kurukshetra so as to mark his presence and continued the same till 10.03.2009 and thereafter, he joined duties at the said place of posting on 11.03.2009.

After the suspension, disciplinary proceedings were initiated against the petitioner, which disciplinary proceedings ultimately exonerated the petitioner of the allegations and he was given benefit of the period in question but the period from 19.12.2008 till 10.03.2009 has been treated as the leave of the kind due by the respondents, which action of the respondents is under challenge in the present petition,

After notice of motion, the respondents have filed reply, wherein, it has been stated that the petitioner was reinstated in service vide order dated 18.12.2008 passed by the respondents and he was directed to report and join his duties at Government Senior Secondary School, Seonsar, District Kurukshetra but, the petitioner failed to join his duties and remained absent without any valid cause and by taking a lenient view, the said period of his absence has been treated as leave of kind due by the respondents.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded position that suspension order was withdrawn by the respondents vide order dated 18.12.2008 and the petitioner was directed to join at Government Senior Secondary School, Seonsar, District Kurukshetra but, the petitioner failed to comply with the said order. Once, the petitioner was posted at a particular place for discharging his duties, marking of presence by the petitioner at D.E.O. Office Kurukshetra will not absolve the petitioner of the allegation that the petitioner failed to comply

with order dated 18.12.2008, by which he was reinstated in service and directed to join his duties at Government Senior Secondary School, Seonsar, District Kurukshetra.

It is not the case of the petitioner that order dated 18.12.2008 passed by the respondents, by which he was reinstated in service and directed to join his duties at Government Senior Secondary School, Seonsar, District Kurukshetra was not brought to his notice rather the claim of the petitioner is that he should have been posted at the school from where he was suspended and not at Government Senior Secondary School, Seonsar, District Kurukshetra.

That being so, the period from 18.12.2008 till 10.03.2009, which has been considered by the respondent as leave of kind due when petitioner did not discharge his duties at the place where he was required to do so, under the facts and circumstances of the present case, in the opinion of this Court, is a lenient view taken by the respondents with regard to the conduct of the petitioner.

No ground is made out for interference by this Court in the impugned order dated 31.08.2016 (Annexure P/9) passed by respondents.

Present petition stands dismissed accordingly.

August 29, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No