

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

CWP-186-2023 (O&M)

Date of decision: 09.01.2023

Dr. Anupam

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tribhawan Singla, Advocate for the petitioner

Mr. Charanpreet Singh, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for the issuance of a writ in the nature of Certiorari to quash the order dated 20.06.2022 (Annexure P-24) whereby the petitioner's services have been dispensed w.e.f 06.01.2007.

2. The petitioner was employed as a Medical Officer on 18.01.1997. She was transferred to Malerkotla on 20.12.2006. She applied for medical leave, which was rejected by the concerned authority. However, she did not report back. On 12.09.2007, the petitioner applied for a leave for a period of 5 years under the Self Employment Scheme, which was also rejected. Thereafter, the petitioner applied to the Civil Surgeon for permission to re-join the service. The Senior Medical Officer vide order dated 13.06.2007 informed the petitioner that she has to seek permission from the higher authorities to resume her duty. Thereafter, the petitioner did not take any steps for resuming her duty. In the meantime, the petitioner was served with a charge-sheet for unauthorized

absence since 06.01.2007. Ultimately, the departmental proceedings began and the report in the said proceedings came against the petitioner. However, the authorities did not take any immediate decision. After the period of 9 years, a communication was sent to the Punjab Public Service Commission (herein after referred to as 'PPSC') for granting permission to dismiss the petitioner from service due to her unauthorized absence during the service. On receipt of that approval from the PPSC, the impugned order has been passed. The petitioner filed CWP-26396 of 2021 which was disposed of while directing the respondents to take a decision. Since there was delay in taking the decision, the petitioner filed COCP-735-2022. Hence, the impugned order was passed on 20.06.2022.

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. Learned counsel representing the petitioner contends that the petitioner made an attempt to rejoin the service, however, she was not permitted by the concerned Department. On a Court question, the learned counsel representing the petitioner has failed to draw the attention of the Court to any effort being made by the petitioner to seek permission from the higher authorities in accordance with the communication dated 13.06.2007. Moreover, in September, 2007, the petitioner applied for leave under the Self Employment Scheme, which was also rejected by the authorities. Now, after a period of 15 years, she wants to allegedly rejoin the service. In the facts of the case, this Court does not find it appropriate to exercise its extraordinary jurisdiction.

5. Hence, dismissed.
6. All the pending miscellaneous applications, if any, are also
disposed of.

09.01.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE