

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

CWP-1346-2021 (O&M)

Date of decision: 16.01.2023

Harjit Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.S.Bhinder, Advocate for the petitioner
Mr.Maninder Singh, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of a writ in the nature of Certiorari to quash the orders dated 30.11.2018 as well as 09.08.2019. He is an employee working in the State of Punjab. He applied for Ex-India leave in April, 2017, which was never sanctioned, however, without waiting for sanction of the leave, he went abroad. Subsequently, he came back and in the attendance register, he wrote that he was on earned leave from 06.04.2017 to 05.05.2017. The petitioner has already retired on attaining the age of superannuation in March, 2019. The appointing authority has ordered punishment of stoppage of one increment with cumulative effect, after holding a regular inquiry.

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

Learned counsel representing the petitioner contends that on 09.10.2019, the Ex-India leave has been sanctioned on half pay. He submits that once the leave has been sanctioned, the petitioner cannot be

penalized.

This Court has considered the submission. No doubt, the competent authority has sanctioned half pay leave vide order dated 09.10.2019, however, the misconduct of the petitioner with respect to having left the country without sanction of his leave as well as entry in the attendance register that he was on earned leave in the year 2017, are sufficient to order the stoppage of one increment with cumulative effect.

In view of the aforesaid, no ground to issue the writ, as prayed for, is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

16.01.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE