

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

**RSA-1005 of 1992 (O&M)
Date of Order: 23.08.2023**

Harchand Singh**.Appellant****Versus****State of Punjab****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. P.S.Chauhan, Advocate
for the appellant.**

Mr. Sandeep Chopra, DAG, Punjab.

ANIL KSHETARPAL, J

1. The correctness of the concurrent findings of fact arrived at by the courts below is challenged by the plaintiff in this second appeal.

2. On account of his continuous absence without sanction of his application for leave from the concerned authority he remained absent for a number of years. It was found in the disciplinary inquiry that the appellant did not attend the office after 23.12.1997 after availing nearly 3 months of sanctioned leave. It was also found that he applied for extending the leave, however, his application was rejected.

3. After serving the charge-sheet to the appellant, an Inquiry Officer was appointed, however, the appellant did not participate in the inquiry proceedings despite intimation. On the receipt of the report of the Inquiry Officer that the charges are proved against the appellant, a show cause notice was issued to the appellant, who submitted his reply for the first time., However, the punishing authority found the explanation unsatisfactory resulting in his dismissal from service on 12.11.1980. In

1986, the appellant filed the appeal.

4. Both the courts on appreciation of evidence have concurrently found that the respondent was left with no choice but to order removal of the appellant from service on account of his continuous absence.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

6. The learned counsel representing the appellant contends that in September, 1977 the appellant's mother fell seriously ill and thereafter he suffered another blow as his son also fell seriously ill and later on he died. Hence the court should take a liberal view of the matter.

7. On a court question the learned counsel representing the appellant failed to draw the attention of the court to any communication by the appellant to his employer offering to join back the duty upto the date of his removal which was after a period of 3 years of the absence.

8. The appellant joined the service in the year 1966. By now he would have crossed the age of superannuation.

9. Keeping in view the aforesaid fact, no ground to interfere.

10. Dismissed.

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

August 23, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO