

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No. 110)

CWP No. 13019 of 2023

Date of decision : 03.07.2023

Mamta

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. J. P. Sharma, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. A. G. Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) Through the present petition the petitioner seeks quashing of order dated 18.05.2021 passed by respondent No.4 - Director General, Women and Child Development Department, Haryana terminating her services. Also under challenge is the order dated 09.03.2023 passed by the Commissioner and Secretary to Govt. of Haryana, Women and Child Development Department (hereinafter referred to as the Government), through which an appeal filed by her against her aforesaid termination order was rejected.

(2) The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that on the recommendation made by Haryana Staff Selection Commission, Panchkula the petitioner was

offered temporary appointment as a Female Supervisor (Group – C) in the office of Women and Child Development Department, Tauru. Accepting such offer, the petitioner joined on the afore post on 14.01.2019 and immediately sought leave which was sanctioned for six months *i.e.* from 26.03.2019 to 25.09.2019. Thereafter, she again submitted a request for extension of her leave to complete her Ph.D. course which was rejected by the department on 12.09.2019. Resultantly, she was directed to forthwith join her duties. Since the petitioner failed to comply with the above direction and remained absent, she was issued charge-sheet under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 and was also placed under suspension. She submitted her reply to the charge-sheet and requested for personal hearing. However, she was called twice for personal hearing but she failed to avail of such opportunity. Thereafter, order dated 18.05.2021 terminating the petitioner's service was passed. The petitioner challenged the termination order through an appeal which was also dismissed by the Government on 09.03.2023. It is in these circumstances that the present petition has been preferred for the aforesaid reliefs.

(3) Learned counsel for the petitioner admits to the fact that the petitioner was absent from duty even after expiry of her period of leave but seeks interference of this Court qua the quantum of punishment meted out to her on the ground that the petitioner was seeking extension of leave, already granted to her, for pursuing higher studies.

(4) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(5) The petitioner was offered temporary appointment to the post of Female Supervisor (Group - C) and posted in the office of Women and Child Development Department. She joined on 14.01.2019 and immediately thereafter applied for leave which was granted till 25.09.2019. On the expiry of such period the petitioner sought extension of leave to complete her Ph.D. course which, through order dated 12.09.2019, was specifically declined. The petitioner did not challenge such order.

(6) After rejection of the petitioner's request for extension of leave the State passed another order dated 06.01.2020 specifically directing the petitioner to join her duties. The petitioner duly received such order. In spite of the same she never bothered to join her duties.

(7) On account of being unauthorizedly absent from duty and for disobeying the order passed by her employer directing her to immediately join her duties, the petitioner was suspended and charge-sheeted. Though the petitioner filed a reply to the charge-sheet she never bothered to appear in the departmental proceedings against her.

(8) In the light of the afore facts, this Court does not consider the present case to be a fit one to interfere in the quantum of punishment meted out to the petitioner.

(9) Dismissed.

03.07.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No