

CWP-21197-2021

2023:PHHC:111282

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

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CWP-21197-2021

Decided on : 23.08.2023

Paramjeet Kaur

. . . Petitioner

Versus

National Health Mission Haryana and others

. . . Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. H. C. Arora, Advocate
for the petitioner.

Mr. Tapan Yadav, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 29.09.2021 (Annexure P-8) vide which the service of the petitioner was terminated on the ground that she had remained unauthorizedly absent for a period of 3 months 24 days.

2. As per the petitioner, she was under medical treatment during the period of her alleged absence, which fact has not been taken into account by the respondents while passing the impugned order. Learned counsel for the petitioner further submits that while issuing notice of motion, the operation of the impugned order has already been stayed vide order dated 14.10.2021 and the petitioner continues to be in service as of now. Learned counsel for the petitioner further submits that the petitioner has already submitted the due medical certificates to show *bona fide* that her absence was not intentional but forced due to medical reasons, hence, the respondents are liable to be directed to reconsider the claim of the petitioner and fresh order needs to be passed.

3. Learned State counsel submits that not only the petitioner remained unauthorizedly absent but without the approval of the Ex-India Leave, the petitioner had left India and had gone to Germany to join her husband as well as son who are stationed in Germany. Learned State counsel further submits that this is not the first occasion that the petitioner has availed Ex-India Leave without approval.

4. Keeping in view the facts and circumstances of the present case, where, keeping in view the interim order passed by the Coordinate Bench of this Court dated 14.10.2021, the petitioner has already been reinstated and is discharging the duties, let the respondents pass fresh order after considering the claim of the petitioner that the alleged unauthorized absence was forced one due to the medical reasons. It may be noticed that this Court is not expressing any opinion on the merits of the case and the respondents will be entitled to pass appropriate orders in accordance with law keeping in view the facts and circumstances which are on record.

5. Till any decision is taken in pursuance of this order, the petitioner should be allowed to continue in service.

6. The present petition is disposed of in above stated terms.

(HARSIMRAN SINGH SETHI)
JUDGE

23.08.2023

Mehak

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No