

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

113

2023:PHHC:093924

**RSA-4324-2018(O&M)  
Date of decision: 25.07.2023**

**RANBIR SINGH**

**..Petitioner**

**Versus**

**STATE OF HARYANA AND ANR**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Ajit Sharma, Advocate  
for Mr. R.D. Yadav, Advocate  
for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

**ANIL KSHETARPAL, J(Oral)**

1. The correctness of findings of fact arrived at by the Courts below is challenged by the plaintiff while filing the second appeal. The appellant was dismissed from service on account of his unauthorized absence from duty with effect from 17.09.2011. The appellant was at the relevant time working as a driver in the Haryana Roadways. A show cause notice was issued to the appellant but he did not file any reply. Thereafter, a charge sheet was issued but the appellant neither appeared nor filed reply. He did not join the proceedings before the Inquiry Officer. After the submission of report by the Inquiry Officer, a second show cause notice was issued to the appellant but he was not found residing at the given address. Thereafter, the efforts made to serve *dasti* notice to the appellant failed as his daughter disclosed that the appellant is not available at home. After the publication of the public notice, the competent authority passed the order on 13.06.2013. Moreover, the trial Court noticed that the past conduct of the appellant also shows that he was a habitual absentee. Moreover, the appellant while appearing in evidence admitted that he received notices

during the inquiry proceedings. In such circumstances, both the Courts have dismissed the suit filed by the plaintiff for grant of declaration with a consequential relief of reinstatement.

2. This Court has carefully examined the judgments passed by both the Courts below. Both the Courts have appreciated the evidence on preponderance of probabilities.

3. The learned counsel representing the appellant failed to draw the attention of the Court to any misreading or non-reading of substantive evidence.

4. Hence, no ground to interfere is made out.

5. Dismissed accordingly.

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

July 25<sup>th</sup>, 2023

(ANIL KSHETARPAL)  
JUDGE

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