

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

RSA-3909-2019 (O&M)
Date of Order: 24.07.2023

RAJ KUMAR

.Appellant

Versus

THE SECRETARY TO GOVERNMENT, HARYANA
AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naresh Kaushik, Advocate
Mr. Gagandeep Singh, Advocate,
for the appellant.

ANIL KSHETARPAL, J

1. The concurrent findings of fact arrived at by the courts below are assailed by the plaintiff in this regular second appeal. The appellant was appointed as a constable in the Haryana Police. He was dismissed for his unauthorized absence from duty on 07.05.2001. However, the Appellate Authority modified the order of punishment and ordered stoppage of two increments. On 09.07.2004, the appellant once again did not report for duty after 09.07.2004 upto 09.02.2006, which is a period of 19 months. In the departmental inquiry, the plaintiff examined Dr. Gian Chand, who stated that the appellant was undergoing regular treatment. Thus, the appellant was dismissed from service.

2. Both the courts have found that Dr. Gian Chand has admitted that the appellant never remained admitted in his hospital. It is not the case of the appellant that he was admitted in any other hospital. He was a member of the disciplinary force. He remained absent for a continuous period of 19 months.

3. Both the courts on appreciation of evidence have found no merit in the suit filed by the appellant.

4. The learned counsel representing the appellant contends that Dr. Gin Chand has categorically stated that the appellant was undergoing regular treatment under his supervision. He submits that in such circumstances, the absence of the appellant was unintentional.

5. This court has considered the submission of the learned counsel representing the appellant.

6. The learned counsel does not dispute that Dr. Gian Chand has stated that the appellant never remained admitted in his hospital even for a period of one day.

7. In these circumstances, the conclusion arrived at by the courts below does not require interference as there is no arbitrariness apparent on the face of the decision.

8. Dismissed, accordingly.

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

July 24, 2023

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO