

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

CWP No. 30095 of 2022

Date of decision : January 9, 2023

Ranjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Veneet Sharma, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of certiorari seeking quashing of the order dated 25.4.2018 (Annexure P-1) whereby the services of the petitioner were ordered to be dismissed and the order dated 3.6.2020 (Annexure P-3) whereby the departmental appeal preferred by the petitioner stands declined and order dated 12.1.2021 (Annexure P-4) whereby the second appeal as provided under the statute also stands rejected.

The petitioner was appointed as constable with the respondents on 10.11.2011. On 6.3.2017 the petitioner availed medical leave for four days and admittedly did not report back on duty. Notice was issued to the petitioner which

he opted not to respond. Charge sheet dated 21.7.2017 was issued. After the petitioner failed to respond to the same as well, departmental enquiry was initiated. The petitioner opted not to appear before the departmental enquiry and was thus, proceeded ex-parte. The same resulted in the finding of guilt against the petitioner vide enquiry report dated 25.11.2017.

On 6.1.2018 a show cause notice was issued to the petitioner proposing punishment of dismissal from service. The same also remained un-answered, resulting in the passing of the order dated 25.4.2018 whereby the services of the petitioner stands dismissed.

In the appeal preferred by the petitioner, the petitioner has taken a plea of being in a disturbed matrimonial life. However, has not been able to give any cogent reason for his non-appearance and not joining the departmental enquiry.

Learned counsel for the petitioner has made an attempt to reiterate the averments made in the departmental appeal to contend that owing to the circumstances the petitioner could not join enquiry proceedings and same ought to have been condoned. It has been further contended that the impugned order even the suspension period has been ordered to be treated without pay and without duty which amounts to double jeopardy.

I have heard learned counsel for the petitioner and have gone through the record of the case.

Admittedly, the petitioner was aware of the departmental proceedings and

opted not to appear. The story with respect to the panchayati divorce against the wife and his fear at the hands of the brothers of his wife seems to be an after thought and the same cannot be entertained in the present writ petition while exercising jurisdiction under Article 226/227 of the Constitution of India. So far as treating the suspension period without pay and not on duty is concerned, admittedly, the petitioner never reported back after availing medical leave, thus, no fault can be found on that account also with the impugned order.

Learned counsel for the petitioner has not been able to point out any flaw in the procedure followed by the respondents which would warrant interference at the hands of this Court.

Consequently, the present petition stands dismissed.

(PANKAJ JAIN)
JUDGE

January 9, 2023
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No