

MAT 833 of 2023

**VIKASH KUMAR
VS
PUNJAB NATIONAL BANK AND ORS.**

*Mr. Rajarshi Ray,
Mr. Debanjan Chatterjee, Advocates
... .. For the Appellant*

*Ms. Parna Roy Choudhury, Advocate
... .. For the Respondents*

1. Appeal is at the behest of the writ petitioner and directed against the judgment and order dated March 17, 2023 passed in WPA 7222 of 2020.

2. Appellant before us suffered an order of dismissal in a disciplinary proceeding initiated against him.

3. Charge in the disciplinary proceeding as against the appellant is unauthorized absence for the period from December 11, 2013 to December 15, 2017.

4. That the appellant was absent from duty during such period is established. Issue is whether the absence was authorized or unauthorized.

5. Learned advocate appearing for the appellant submits that medical condition of the appellant prevented the appellant from joining the services. As and when, appellant became medically fit, he applied to the employer for joining his services. His letters went unheeded.

6. Record demonstrates that appellant, claimed to be ready to rejoin his duties on December 1, 2014 while medical certificate submitted by the appellant

himself in the disciplinary proceedings speaks of the appellant being medically unfit till December 23, 2015.

7. Evidence led by both the parties in the disciplinary proceeding was considered therein. It is not a case of no evidence as against the appellant at all. Absence remains established. Absence was not explained adequately in the disciplinary proceeding. Disciplinary Authority took the view which is plausible.

8. Learned Single Judge considered every aspects of the matter. Learned Single Judge held that, the appellant failed to show that leave was sanctioned in favour of the appellant or that the appellant obtained permission for not attending the duties on medical grounds. The Disciplinary Authority was right in holding that the appellant was guilty of unauthoritised absence.

9. No material is placed before us to arrive at a different finding than that of the learned Single Judge on such aspect.

10. In such circumstances, we find no merit in the present appeal.

11. MAT 833 of 2023 is, accordingly, **dismissed**, however, without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)