



CWP-13306-2020

1

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

(230)

CWP-13306-2020

Date of Decision : July 30, 2024

Sanjeev Kumar

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sudha, Advocate, for the petitioner.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 27.11.2019 (Annexure P-5) by which, one increment of the petitioner without cumulative effect has been stopped. The challenge is also to the order dated 03.02.2020 (Annexure P-7) passed by the Appellate Authority by which, the appeal filed by the petitioner against the order of punishment has been rejected.

2. As per the facts mentioned in the petition, the petitioner joined as Mathematics Teacher in December 2001. While in service, a student namely Gurpreet Singh met with an accident and died due to which, an FIR was registered against the petitioner under Section 306 and 34 of the IPC.

Keeping in view the registration of FIR, the petitioner started making effort

**CWP-13306-2020****2**

for availing the legal remedies due to which, the petitioner could not attend his duties from 23.01.2017 to 11.05.2017. Thereafter, for the said absence, a charge-sheet was issued to the petitioner on 21.03.2018. In those disciplinary proceedings, the punishment was imposed upon the petitioner qua the absence vide order dated 27.11.2019 (Annexure P-5) and one increment of the petitioner without cumulative effect was stopped. The petitioner preferred an appeal against the said order, which was also dismissed on 03.02.2020 (Annexure P-7), which orders are under challenge in the present writ petition.

3. Learned counsel for the petitioner argues that it was only due to the fact that an FIR was registered against the petitioner and as the petitioner was availing the legal remedies, he could not attend his duties and therefore, the impugned order of punishment is liable to be set aside.

4. Upon notice of motion, the respondents have filed the reply wherein, they have stated that the petitioner remained un-authorizedly absent from duties without authorization from 23.01.2017 to 11.05.2017 and therefore, once the said fact is not disputed, imposing of punishment of stoppage of one increment without cumulative effect cannot be treated to be arbitrary and illegal.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The petitioner, who is a teacher, is required to teach the students for their better future. In case, a teacher absents himself/herself from the classes, the repercussions are reflected upon the students being taught by such teacher. The petitioner remained absent for a period of four

**CWP-13306-2020****3**

months. Though, the petitioner was availing the legal remedies but in case the petitioner wanted to avail the legal remedies, he should have applied for leave and got it sanctioned. In the absence of any such sanctioned leave, the petitioner has rightly been treated absent from duty without authorization.

7. Keeping in view the fact that the allegations of absence are not disputed, a minor punishment of stoppage of one increment has been imposed for which the petitioner cannot raise any grievance. The respondents imposed only a minor punishment of stoppage of one increment without cumulative effect, probably keeping in view the fact that the petitioner was availing the legal remedies during his period of absence hence, no ground is made out for any interference by this Court especially when there is no allegation of any faulty procedure adopted by the respondent-State while imposing the punishment.

8. No other argument was raised.

9. In view of the above, the present writ petition is accordingly dismissed.

July 30, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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