



CWP-21931-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21931-2024

Date of Decision: 12.09.2024

SUMEDHA

..... PETITIONER

VERSUS

SKILL DEVELOPMENT AND INDUSTRIAL TRAINING
DEPARTMENT AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 26.10.2023, Annexure P-1, whereby the petitioner's contractual services were terminated on account of voluntary absence from duty with effect from 23.01.2023.

2. Learned counsel for the petitioner contends that the petitioner was working as a contractual Electronic Mechanical Instructor on contract basis in ITI, Rawaldhi, District Charkhi Dadri, Haryana, from 2019 till 22.01.2023. She had to take care of two small children, and requested the Department to sanction Child Care Leave (CCL) from 23.01.2023 to 21.07.2023 by submitting an application dated 20.01.2023, Annexure P/3. It



was the pressing need to take care of children that prevented her from joining duties. He further contends that later, the Principal sent a letter dated 09.08.2023, Annexure P/5, requiring her to be present in the Institution immediately on receiving the letter. Although pursuant thereto the petitioner marked her attendance in the attendance register on 11.10.2023, she was not allowed to work.

3. Learned State Counsel, on instructions, contends that the petitioner remained absent since 23.01.2023, and did not join duty even after having been called upon to report back vide letter dated 09.08.2023. Therefore, the Department had no option but to terminate her services.

4. Heard.

5. It is apparent on record that the petitioner wilfully absented from duty with effect from 23.01.2023 on the pretext of availing Child Care Leave to take care of her children, though it was never sanctioned. Despite having been asked to join back in the interests of students and the Institute, she did not do so. Even the letter to that effect, dated 09.08.2023, remained unanswered. The contention that the petitioner joined on 11.10.2023 in response to the letter, cannot be accepted as she was required to join immediately on receiving it; whereas, on her own showing, she approached the Institute after more than two months thereafter. It cannot be the free will of an employee to decide when to join, and when to proceed on leave to take care of her children or otherwise. Once in employment, the employee is required to abide by the discipline of service, which the petitioner has flagrantly violated on frivolous excuses. In these circumstances, in case the respondents have terminated her services on account of wilful absence with



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effect from 23.01.2023, no exception can be taken to it.

6. Accordingly, the petition stands dismissed.

12.09.2024
Seema

(TRIBHUVAN DAHIYA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>