



**LPA-2839-2025 and LPA-2840-2025**

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

(137)

Date of Decision:-03.11.2025

1. LPA-2839-2025

Rajesh Kumar Sikarwar

.....Appellant

Versus

Presiding Officer and Another

.....Respondents

2. LPA-2840-2025

Naresh Chand Sharma

.....Appellant

Versus

Presiding Officer and Another

.....Respondents

**CORAM: HON’BLE MR. JUSTICE ANUPINDER SINGH GREWAL  
HON’BLE MR. JUSTICE AMARINDER SINGH GREWAL**

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Present: Mr. Virender Kumar, Advocate,  
for the appellant(s).

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**ANUPINDER SINGH GREWAL, J. (Oral)**

1. The instant appeals are being decided by a common order as they involve common question of law and facts. For the sake of convenience, facts are being taken from LPA-2839-2025.

***LPA-2839-2025 and LPA-2840-2025***

2. The appellant has challenged the judgment passed by the learned Single Bench whereby the writ petition preferred by the appellant challenging the award of the Labour Court has been dismissed.

3. Learned counsel for the appellant submits that the departmental inquiry was conducted behind his back and no notice was served at the address where he was residing. He further submits that despite the appellant reporting on duty on several occasions, the respondents did not permit him to join service.

4. Heard.

5. The appellant is stated to have been working with respondent No.1 as a Weaver Operator with effect from 03.01.2001. It is alleged that he absented himself from duty w.e.f. 04.03.2003 and did not report back for a period of five months. Consequently, the respondents initiated departmental proceedings against him. Notices were sent to the appellant on 09.03.2003 and 17.03.2003, but he failed to appear before the Inquiry Officer, leading to the inquiry being held ex parte. Based on the inquiry report, which found the appellant guilty of misconduct of absenteeism, his services were terminated.

6. The appellant thereafter approached the Labour Court, which, after examining the record, dismissed his claim petition. Aggrieved thereagainst, appellant challenged the Labour Court award before the Single Bench which was dismissed by impugned judgment.

7. We are in agreement with the Single Bench, that it was evident from the material on record that the appellant had abandoned service and

**LPA-2839-2025 and LPA-2840-2025**

remained absent without authorization for more than five months. The departmental inquiry was conducted in accordance with law. The record revealed that notices were duly issued to the appellant on 09.03.2003 and 17.03.2003, which he refused to accept and the refusal reports were placed on record before the Labour Court. We therefore, are not convinced with the argument of the learned counsel for the appellant that notices were not served upon him at the address he was residing.

8. It is trite that unauthorized absence from duty may be inferred as voluntary abandonment of services. The Supreme Court in the case of **Vijay S. Sathaye Vs. Indian Airlines Limited and Ors (2013) 10 SCC 253** has held that remaining absent from duty for a very long time amounts to ‘abandonment of services’ and not ‘retrenchment of services’. The relevant extract of the judgment is reproduced as under:

*12. It is a settled law that an employee cannot be termed as a slave, he has a right to abandon the service any time voluntarily by submitting his resignation and alternatively, not joining the duty and remaining absent for long. Absence from duty in the beginning may be a misconduct but when absence is for a very long period, it may amount to voluntarily abandonment of service and in that eventuality, the bonds of service come to an end automatically without requiring any order to be passed by the employer.*

*13. In M/s. Jeewanlal (1929) Ltd., Calcutta v. Its Workmen, AIR 1961 SC 1567, this Court held as under:*

*“.....there would be the class of cases where long unauthorised absence may reasonably give rise to an inference that such service is intended to be abandoned by the employee.”*

*14. For the purpose of termination, there has to be positive action on the part of the employer while abandonment of service is a consequence of unilateral action on behalf of the employee and the employer has no role in it. Such an act cannot be termed as ‘retrenchment’ from service.*



**LPA-2839-2025 and LPA-2840-2025**

15. *In Buckingham and Carnatic Co. Ltd. v. Venkatiah & Anr., AIR 1964 SC 1272 while dealing with a similar case, this Court observed :*

*“Abandonment or relinquishment of service is always a question of intention, and normally, such an intention cannot be attributed to an employee without adequate evidence in that behalf.” A similar view has been reiterated in G.T. Lad & Ors. v. Chemicals and Fibres India Ltd., AIR 1979 SC 582.”*

9. In view of above, we do not find any manifest illegality in the judgment of Single Bench warranting interference by this Court. Consequently, the Letters Patent Appeal, being devoid of merit, stands dismissed.

10. All miscellaneous application(s) shall stand disposed of.

11. A photocopy of this order be placed on the file of connected case.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

**November 03, 2025**  
*Shubham*

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|-----------------------------|--------|
| Whether speaking/reasoned:- | Yes/No |
| Whether Reportable:-        | Yes/No |