



CWP-37566-2025

-1-

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

Serial No. 145

CWP-37566-2025

Decided on:22.12.2025

Vishal Yadav

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Laxman Choudhary, Advocate for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.**TRIBHUVAN DAHIYA, J.(ORAL)**

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 13.11.2025, Annexure P-10, whereby the petitioner's service as Legal Assistant has been terminated due to absence from duty.

2. Learned counsel for the petitioner contended that the petitioner had been working as Legal Assistant on contract basis in the Department since 15.09.2020, without any complaint. And the impugned order was passed without taking into consideration the fact that he had applied for leave without pay on account of his father's medical condition, who remained admitted in Paras Health Hospital on 23.09.2025 and 30.09.2025. He had to be admitted there once again on 15.10.2025, and was discharged on 23.10.2025. The discharge summary to that effect is on record as Annexure P-9. Accordingly, taking into consideration these facts, the petitioner should be allowed to re-join the service.

3. Learned State counsel, on instructions, contends that since October 2020, the petitioner was working as Legal Assistant in District Elementary Education Office, District Mahendargarh at Narnaul, and was sent on deputation to the Headquarters at Panchkula alongwith other contractual

**CWP-37566-2025****-2-**

employees vide order dated 07.03.2025, but did not join there despite reminders dated 19.03.2025 and 25.03.2025. His contract of service was therefore rescinded by the Department on 31.03.2025. The petitioner submitted a representation against it and undertook not to claim salary for the period he had not worked on the principle of 'no work no pay'. In view thereof and taking a sympathetic view of the matter, he was allowed to re-join with effect from 01.08.2025. After working for some time, he applied for leave by submitting an application dated 18.09.2025, and the leave was sanctioned from 19.09.2025 to 30.09.2025. He rejoined on 01.10.2025 but remained absent from 02.10.2025 onwards. An application for grant of leave on his behalf was received on 14.10.2025, which was declined by the Department vide communication dated 26.10.2025. He still remained absent and did not join even after rejection of the leave application. Accordingly, the Department had no option but to terminate his service.

4. Considering the submissions made by learned counsel for the parties, this Court is not inclined to entertain the petition as the petitioner has remained absent from duty without sanctioned leave or valid reason. Merely because his father was not well for some time and had to be admitted in hospital, is not a ground to remain absent from duty without leave. Every employee is bound by the discipline of service, and has to conduct himself in accordance with rules. It cannot be an employee's free wish to join or not to join duty depending upon his family circumstances.

5. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

22.12.2025*Mehak*

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No