



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

CWP-15343-2025

Date of Decision:10.09.2025

Jasdev Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India with a prayer to issue a writ in the nature of Certiorari for setting aside the impugned order dated 02.08.2024 (Annexure P-9) passed by respondent No.3, whereby, his absence from Government duty was treated his deemed resignation as well as the impugned order dated 21.02.2025 (Annexure P-11), whereby, the appeal filed by the petitioner was also ordered to be dismissed.

2. A further prayer has been made to allow the petitioner to join his service back, which was denied to him without passing any formal order of suspension or termination against the petitioner.

3. Learned counsel for the petitioner contends that after the death of his father, the petitioner was appointed as a Library Restorer on compassionate ground vide letter dated 16.10.2018 (Annexure P-1). He was ordered to be posted at Government Senior Secondary School, Tarsikka, Amritsar on 04.01.2019. On 20.01.2023, when he was present on the duty, he was informed that his uncle (Chacha) had raised some dispute regarding the partition of their

ancestral land. On this, he went to home and was threatened by his uncle and other politician. Even, his uncle extended threats to kill him. At this stage, his maternal aunt has suggested him to leave the country, otherwise his uncle may cause harm to him. Consequently, on the asking of his aunt, he shifted to England on 21.02.2023 and started living with his aunt in England. Since, the mother of the petitioner was alone and there was no one to help her, the petitioner returned to India on 16.01.2024. However, on return, he went back to the school, but the Principal flatly refused to allow him to join his duties and no reasons were assigned to him. Even, the petitioner moved various representations to the senior officers of the respondent-department, but no action was taken. Further, he was shocked to note that a charge-sheet was issued to him on 31.08.2023, but the same was never served on him. Further, another letter dated 21.05.2024 (Annexure P-5) was also issued to the petitioner, asking him to appear personally before the Enquiry Officer. The petitioner submitted a detailed reply to charge-sheet and stated that he was not at fault and requested the respondents to allow him to join the duties.

4. Learned counsel further submits that it is apparent from the impugned order that Mr.Rajesh Khanna, Principal, Government Senior Secondary School, Muradpura, Amritsar was appointed as an Enquiry Officer and he had submitted his enquiry report to the District Education Officer, Amritsar and no intimation was given to the petitioner in this regard.

5. Ultimately, vide the impugned order dated 02.08.2024, the absence of the petitioner from duty was considered as “deemed resignation” and the services of the petitioner were terminated. The petitioner filed an appeal before respondent No.1, however, vide order dated 21.02.2025 (Annexure P-11), the

appeal was also dismissed by respondent No.1.

6. Challenging both the orders (Annexures P-9 and P-11), the petitioner has approached this Court.

7. On advance notice, Mr. Surya Kumar, AAG, Punjab, has appeared on behalf of official respondents and submits that the present petitioner had absented from his duty w.e.f 21.01.2023 and till the passing of the impugned order (Annexure P-9), he had not joined his duties. He further submits that the charge-sheet was issued to him by the Enquiry Officer, but the petitioner was not available at home and the notice could not be served on him, however, the due procedure was followed by the Enquiry Officer and the allegations levelled in the charge-sheet were found to be correct. Still, further he has referred to the Punjab Finance Department directions No.2/01/2017-3VP/189/PN-2/1/2017-F P:2/190 dated 12.05.2017, which are applicable to the employees of the Government, when the period of absence is more than one year and the same has been reproduced below:-

“In case any Officer/Employee, without prior approval of his leave, remains absence from his duty and this period of absence becomes more than one year, then he will treated as he has resigned from the Government job meaning that his period of absence will be treated as Deemed Resignation from the Government job. After completion of this period, he will not be allowed to again join in the Government job”.

8. Consequently, in the light of the abovestated instructions, the unauthorised absence of the petitioner from his duty w.e.f 21.01.2023 to 05.08.2024 was treated as his “deemed resignation”. He further submits that there is no illegality in the impugned orders (Annexures P-9 and P-11) and the same are liable to be upheld by this Court.

9. After hearing learned counsel for the parties and perusing the

record, I find sufficient force in the submissions made by learned State counsel.

10. In the present case, admittedly, the petitioner was employed as a Library Restorer in Government Senior Secondary School, Tarsikka, Amritsar, since the year 2019, however, on certain flimsy grounds, he stopped appearing on his duty w.e.f 21.01.2023 and shifted to England. Till, 16.01.2024, he was staying with his aunt in the England and did not report on his duty. Even, after his return, he neither joined the enquiry proceedings nor reported on duty. Still further, from the impugned order (Annexure P-9), it is apparent that the Enquiry Officer had issued notices to the present petitioner, since, the petitioner was not available at home, the notices could not be served on him. Ultimately, the Enquiry Officer was left with no other option, but to proceed against the petitioner legally. Even, the petitioner has failed to point out any illegality in the enquiry proceedings, which were held by the Enquiry Officer. Still further, as per the abovestated instructions dated 12.05.2017, issued by Government of Punjab, in case, any Government employee remains absent from his duty for a period of one year, then, it is always treated as “deemed resignation” from the Government job by the said employee.

11. Consequently, there is no illegality in the impugned orders passed by the respondent-department and the present petition is ordered to be dismissed.

12. Ordered accordingly.

(N.S.SHEKHAWAT)
JUDGE

10.09.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No