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

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LPA-1513-2023 (O&M)

Reserved on :- 02.12.2024

Date of Pronouncement: 09.01.2025

Kuldeep Singh Kang

....Appellant

VERSUS

State of Punjab and Others

...Respondents

**CORAM : HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Shvetanshu Goel, Advocate for the appellant.

Mr. Maninder Singh, Sr. DAG Punjab.

Mr. Deepak Malhotra, Advocate for U.T.Chandigarh.

Mr. Saurav Goel, Advocate for

Mr. Gaurav Goel, Advocate for respondent-Bank.

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SUDEEPTI SHARMA, J.

1. The present Letters Patent Appeal is preferred against the judgment dated 18.07.2023 passed by the learned Single Judge in CWP No.15113 of 2023, whereby the writ petition filed by the appellant was dismissed.
2. The brief facts of the case are that the appellant was appointed as Clerk in the year 1992 in the Department of Water Resources, Punjab, Chandigarh and was subsequently promoted as Senior Assistant in the year 2011. Charge-sheet dated 15.09.2021 was served upon the appellant with the allegation that he remained absent from duty w.e.f 07.05.2019 to 28.04.2021. He filed reply to the same which was found to be unsatisfactory and a departmental inquiry was conducted and as per inquiry report dated 24.06.2022, the allegations were proved.



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Thereafter, the appellant was issued show cause notice dated 12.07.2022 and he filed reply to the same. After considering the reply, order dated 19.09.2022 was passed whereby the appellant was compulsorily retired. The departmental appeal filed by the appellant was dismissed vide order dated 19.06.2023.

3. The appellant challenged charge-sheet dated 15.09.2021, inquiry report dated 24.06.2022, order dated 19.09.2022 and order dated 19.06.2023 before the learned Single Judge by filing the civil writ petition, but the same was dismissed. Hence the present appeal.

4. Learned counsel for the appellant contends that the learned Single Judge failed to take into consideration the fact that the appellant wanted to join the duties, but was not permitted to join the duties, which is admitted by one of the witnesses i.e. PW-3 Smt. Balwinder Kaur, Superintendent, who was examined by the Inquiry Officer and during her cross-examination she admitted that the appellant approached her for joining his duties. He further contends that the punishment imposed is not commensurate with the misconduct alleged against him.

5. *Per contra*, learned counsel for the respondents contend that the appellant was never willing to join the duties and wilfully remained absent for a long period. Therefore, learned Single Judge has rightly dismissed the writ petition.

6. We have heard learned counsel for the parties and perused the whole record of this case.

7. A perusal of the record shows that admitted fact is that the appellant remained continuously absent for a period of almost two years without leave or



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any justifiable explanation. The contention of learned counsel for the appellant that the appellant was ready to join the duties but was not allowed to join cannot be believed since there is no written document on record to show that he approached the higher authorities or made any complaint to the higher authorities. Further, the judgment passed by the learned Single Judge is self-speaking and does not require any interference from this Court.

8. In view of the above, we do not find any infirmity in the judgment dated 18.07.2023 passed by the learned Single Judge in CWP-15113-2023, titled as ‘Kuldeep Singh Kang Vs. State of Punjab and Others’. The same is upheld and the present appeal is dismissed being devoid of any merit.

9. Pending applications, if any, also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

January 09, 2025
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Whether speaking/non-speaking : Speaking
Whether reportable : Yes