
(2012) 06 SHI CK 0128
In the High Court Of Himachal Pradesh
Case No : LPA No. 197 of 2012

Krishan Chand

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 14-06-2012

Acts Referred:

Citation : (2012) 06 SHI CK 0128

Hon'ble Judges : Kurian Joseph, C.J.; Dharam Chand Chaudhary, J

Bench : Division Bench

Advocate : J.L. Bhardwaj, for the Appellant; R.K. Bawa, Advocate General with Mr. Ankush Dass Sood, Addl. AG and Mr. J.K. Verma, Dy. Advocate General, for the Respondent

Judgement

Justice Kurian Joseph, C.J.—The writ petitioner has come up in appeal. The issue pertains to the regularization of 85 days absence. The said period has been regularized as leave without pay but without break in service. According to the appellant, he had submitted medical certificates for the said period of absence and that there was earned leave available to his credit on that date. In several cases, this Court has taken the view that in the absence of any disciplinary action, the period of absence has to be regularized and in case there is leave available to the credit of the incumbent, the same shall be first adjusted and if such leave is not available, the period can be treated as leave without pay. We find that the learned Single Judge has directed reconsideration of the case of the petitioner. While taking action as above, the first respondent shall bear in mind the observations made by us, as above. Reference is invited to the one set of judgment dated 23.6.2011 in CWP (T) No. 14491 of 2008 titled Kamal Kishore vs. State of H.P. and others. The needful order shall be passed within two months from the date of production of a copy of this judgment along with a copy of the judgment, referred to above by the appellant before the first respondent.

2. The appeal is disposed of, so also the pending applications, if any.

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