
(2010) 10 SHI CK 0320
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 5592 of 2008

Mangat Ram

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 27-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0320

Hon'ble Judges : Kurian Joseph, C.J.;Kuldip Singh, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The petition is filed with the following prayers:

- (i) The orders annexure PD & PF may kindly be set aside and quashed.
- (ii) The respondents be further directed to restore the annual increments.

2. In para-6(ii) of the reply, it is stated as follows:

In reply to this para, it is submitted that during the course of departmental enquiry the charges against the applicant were proved. The applicant had closed the wireless station and left the Police Radia Station, Banjar without informing any body. It came to the knowledge on 10.2.1996 when P.R.S. Banjar did not come in air. At this on 11.2.96 ASI/Tech. Attar Chand from P.R.S. Banjar was sent to Banjar to find out the facts. The A.S.I. Tech. did not find anybody at P.R.S. Banjar on 11.2.96 at 14.20 hours on reaching there on 12.2.96 the applicant appeared in PRS Banjar at 9.45 hrs. and made communication with PRS Kullu at 9.55 hours. After that the ASI/Tech. returned to hdqrs. The applicant again did not attend any schedule after 9.55 hours. At 1600 hours on 12.2.96 that MHC Banjar was contacted on phone by SI/Wireless Sh. Dhani Ram from PRS Kullu to know the reasons of non-communication. MHC told that the applicant had locked the PRS at 10.00 hours and left duty station without informing anybody and thus the applicant was treated absent on 12.2.96 also. On 13.2.96 ASI Wireless, Sh. Brij Bhushan of PRS Kullu was deputed to attend

the communication work of P.R.S. Banjar who found the wireless set in working order. The applicant was placed under suspension and a regular departmental enquiry was started against him. The D.E. was conducted in accordance with the Rules and as per the finding of the enquiry officer the charges were proved and the applicant was served with a show cause notice. The reply to show cause notice was duly taken into consideration which was found unsatisfactory and the proposed penalty was confirmed which is legal and just and needs to be upheld. It is submitted here that during the period from 10.2.96 to 14.2.96 the applicant was seen at PRS Banjar only for few minutes and he did not perform his duties and thus he was treated absent. Thus the impugned punishment is legal just and needs to be upheld.

3. There is no rejoinder. In case, the petitioner has still any dispute with regard to the factual and legal position, it will be open to him to approach the 1st respondent, in which case, the 1st respondent will look into the matter and take appropriate action in accordance with law and justice within four months from the date of production of copy of this judgment alongwith copy of this writ petition by the petitioner.

4. The petition is disposed of, so also the pending application(s), if any.