
(2018) 05 UK CK 0097

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1308 of 2013

SMT ARCHANA GUPTA

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 18-05-2018

Acts Referred:

Citation : (2018) 05 UK CK 0097

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : Alok Mahra, S.R. Joshi,

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, JÂ Â

1. The petitioner before this Court was an

Assistant Teacher L.T. Grade (Biology) in Government School. Her services have been terminated by order dated 25.09.2010 which the petitioner

has challenged before this Court. The impugned order which has been passed by the Director, School Education, Uttarakhand which says that the

petitioner had remained on unauthorized absence since 25.05.2006 i.e. for the last more than four years, hence her services are being terminated.Â

2. One of the grounds of challenge of the above order by the petitioner is that absence without leave also constitutes a â??misconductâ?, and since it

is a case of misconduct, the respondent authorities were liable to initiate a departmental proceeding against the petitioner and only in a departmental

punishment, the punishment could have been imposed.

3. This contention of the petitioner cannot be accepted for the simple reason that the petitioner has remained absent from her duties for a long period

i.e. for more than four years between 25.05.2006 to 25.09.2010. Not only this, prior to this as well there is a long list of dates when the petitioner remained on unauthorized leave. Before terminating the services of the petitioner, the petitioner was given the show cause notice but she did not file any reply and therefore the authorities were constrained to terminate the services of the petitioner. As far as departmental proceedings are concerned, the same could have been done only if the petitioner was physically present to face a departmental proceeding. Even after repeated letters and reminders, the petitioner has failed to show up for the proceedings. In such a case, therefore, the department was well within its right to pass the order of termination the services of the petitioner.Â

4. No interference is called for by this Court. Writ petition is therefore liable to be dismissed and is hereby dismissed.Â