

(2012) 06 DEL CK 0065

In the Delhi High Court

Case No : Writ Petition (C) No. 762 of 2011

Surendra Kumar Tiwari

APPELLANT

Vs

National Thermal Power Corporation Ltd. and Others

RESPONDENT

Date of Decision : 01-06-2012

Acts Referred:

Constitution of India, 1950 — Article 14, 16, 311

National Thermal Power Corporation Conduct Discipline and Appeal Rules — Rule 24.09, 25

Citation : (2012) 06 DEL CK 0065

Hon'ble Judges : A.K. Sikri, C.J.;Rajiv Sahai Endlaw, J

Bench : Division Bench

Advocate : S.K. Taneja, with Mr. Puneet Taneja and Mr. Amrit Anand, No. 1, for the appearing parties; Sunil Kumar with Mr. Rajiv Ranjan Mishra, Advocates for UOI, for the Respondent

Final Decision : Dismissed

Judgement

A.K. Sikri Acting Chief Justice

1. The petitioner who appears in person was an employee of the respondent No.1/National Thermal Power Corporation Ltd. (hereinafter referred to as "NTPC"). The petitioner was taken in the employment with NTPC with effect from 29.12.1986. In the year, 2005, when he was working at Bharuch (Gujarat), he was transferred to Uttarkashi (Uttarakhand) vide orders dated 08.10.2004. However, he sent a letter dated 30.10.2004 requesting to remain at Bharuch till 31.3.2005 as his daughters had to give CBSE Board examination. This request was allowed. Vide Office Order No.50/2005 dated 01.4.2005, he was released from Bharuch with effect from 01.4.2005. He did not join the transferred place immediately and reported for joining on 31.5.2005. As per the petitioner, he submitted that he requested for Transfer Travelling Advance in the prescribed format at Bharuch office, but the advance was not released. Instead, letter dated 02.5.2005 was sent to the petitioner by the NTPC stating that since he was

released from Bharuch on 01.4.2005, his request for TTA was not acceded to as per the Rule. The respondent, on the other hand, treated the period from 01.4.2005 to 30.5.2005 (i.e., 59 days) as unauthorized absence and it was not regularized against any kind of leave. The petitioner remained at Uttarkashi for about 7 days and applied for leave with effect from 08.6.2005 for 8 days, but returned after 11 days. Overstay of three days was again treated as unauthorized absence.

2. Incidentally, after initial joining on 31.5.2005, he applied for TTA on 06.6.2005 and a sum of Rs. 44,000/- was sanctioned and released to him on 07.6.2005. The petitioner even thereafter did not work at Uttarkashi continuously and kept on applying for leave on regular intervals on different periods which are as under:

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18.2.2006:

Communication from the petitioner stating that his leave should be extended to 28.2.2006, but as per the respondent, this extension of leave was not sanctioned.

23.3.2006:

Even after 28.2.2006, the petitioner did not join the duties, the respondent sent notice to the petitioner thereby calling upon him to immediately join the duties or appropriate action as per Clause 24.9 of NTPC Service Rules shall be taken against him.

24.3.2006:

The petitioner vide communication stated that he would be reporting the duty on 01.4.2006.

03.4.2006:

The petitioner sent fact letter dated 03.4.2006 stating personal difficulties for his overstay, viz., renovation work of his house. He stated that he will be reporting for duties only on 10.4.2006.

13.4.2006:

The petitioner sent another application seeking extension of leave till 25.4.2006.

17.4.2006:

Instead joining the duty, the petitioner sent another leave application stating that he will be joining the site by 25.4.2006.

22.4.2006:

On the same ground, i.e., some work related to house was still left, he would be joining the duties at Project by 30.4.2006.

26.4.2006:

The petitioner sent another leave application and stated that he would be joining the duty back in the first week of May, 2006.

20.5.2006:

The petitioner sent another leave application.

25.5.2006:

The respondent sent notice dated 25.5.2006 calling upon the petitioner to report the duty immediately, otherwise action as per Clause 24.9 of the Rules shall be taken.

15.6.2006:

Another application was faxed by the petitioner stating that he would be joining the duty with effect from 26.6.2006.

21.6.2006:

Treating the entire period after 16.2.200, i.e., from 17.2.2006 to 21.6.2006 as unauthorized absence which came to 125 days, the respondent invoked Clause 24.9 of the Rules and informed the petitioner that he had automatically lost his lien on his post and was deemed to have voluntarily abandoned and left the service of the respondent/NTPC.

3. The petitioner thereafter came to Uttarkashi for joining the duties, but he was not allowed to do so. He submitted the representation dated 17.8.2006 questioning the termination order dated 21.6.2006 and requested to allow him to join the duties. However, vide letter dated 14.6.2007, his request was rejected. Thereafter, he made representation to the Chairman-cum-Managing Director on 22.12.2007 followed by reminder dated 01.2.2008, but reply was given. He sent another representation to General Manager, NTPC on 02.5.2008. This request was also not acceded to. As per the petitioner, he sought information under Right to Information Act, 2005 from the respondent and on 05.2.2009, Central Public Information Office of the respondent replied to the petitioner refusing to supply the copy of the recommendation of Mr. A.K. Sharma Committee appointed under Rule 24.9 of NTPC Service Rules. According to him, Three-Member Committee headed by Mr. A.K. Sharma had examined his representation and keeping in view his explanation for the unauthorized absence. The Committee recommended to the management for regularizing his unauthorized leave. However, copy of the report was not furnished to him. The petitioner thereafter approached this Court by filing writ petition with the prayer that Rule 24.09 of the NTPC Service Rules be declared null and void as the same is not consonance of Article 311 of Constitution of India and in violation of Article 311 and 14 of the Constitution of India. He also prayed for setting aside the order dated 21.6.2006 as null and void and sought reinstatement with all consequential benefits with effect from 21.6.2006.

4. The submission of the petitioner is that the petitioner remained absent for

valid reasons and therefore, he had been submitting leave applications. However, the impugned order was passed invoking Rule 24.09 in violation of principle of natural justice without giving any reasonable opportunity of being heard to the petitioner. It is also his submission that Rule 24.09 of the Rules is bad in law, null and void as merely on overstay of leave for more than 90 days, it cannot be presumed that the petitioner is abandoning the service. He has also submitted that since a due process of inquiry has been prescribed for dismissal or removal of a civil servant, any rule providing for automatic termination of service on overstay of leave (or for that matter, on happening of any contingency) shall be violative of Article 311 and, hence, null and void. In support of this submission, reliance has been placed upon State Vs. Benedict, SLR 1969 Mysore 21.

5. The respondent in its counter affidavit has submitted that such a clause has been upheld in various judgments. As per the respondent, before invoking such a clause of automatic loss of lien, the only requirement is to issue show cause notice. It is stated that in the present case, none of the leave of the petitioner was not sanctioned and in spite thereof, he remained absent for such a long period. He did not join duty instead of notice dated 23.3.2006/25.5.2006 wherein it was specifically stated that on failing to join duties, Rule 24.09 of the Rules shall be invoked. It is, thus, submitted that it is sufficient compliance of the requirement rules. It is argued by the respondent that after the transfer of the petitioner from Bharuch to Uttarkashi he had no intention to join the duties. For this reason, he did not even bring his family to the place of transfer. Even his first time joining was after unauthorized absence of 59 days. Thereafter, he worked only for two short spells and under one excuse or the other kept on making request for leave which was never granted. Though in all his applications, he gave a particular date of joining, but never adhered to that. It is submitted that it becomes apparent that he had no intention to join the duties and thus, it is a case where loss of lien should be inferred.

6. Learned counsel for the respondent has relied upon the following judgments:

- (i) Hindustan Paper Corporation Vs. Purnendu Chakrobarty and Others,
- (ii) U.P. State Bridge Corporation Ltd. and Others Vs. U.P. Rajya Setu Nigam S. Karamchari Sangh,
- (iii) V.R. Vellore Vs. The NTPC Ltd. & Anr. [W.P.(C) No.26555/1997], High Court of Karnataka At Bangalore;
- (iv) Sukhdev Singh Vs. Delhi Development Authority, 2012 LLR 178 (DB);
- (v) U.P. Singh Vs. Punjab National Bank, 2011 LLR 708 (DB).

7. We have considered the aforesaid submissions. Before we deal with these submissions, we reproduce the relevant provisions of the NTPC Service Rules as well as NTPC Conduct, Discipline and Appeal Rules:

24.9. Termination on account of unauthorized absence:

An employee who remains unauthorizedly absent from duty or place of work either without sanction of any leave or after expiry of sanctioned leave, if any, and does not report for duty for any reason whatsoever within 90 (ninety) consecutive days from the date of his/her unauthorized absence, shall automatically lose lien on his/her post and he/she shall be deemed to have voluntarily abandoned and left the service of the corporation, without notice.

Provided, however, if the employee subsequently substantiates and accounts for his/her unauthorized absence from duty within 90(ninety) consecutive days from the date of the termination order to the entire satisfaction of the Management, the Management may regularize his/her period of unauthorized absence on such terms and conditions as it may deem fit and proper.

2 (s) "Unauthorized Absence" means absence by an employee from his/her duty or place of work without authority either without sanction of any leave or after expiry of sanctioned leave, if any.

8. Pertinently, Rule 23 of the NTPC Conduct, Discipline and Appeal Rules was also amended and after the insertion of the aforesaid amended Rule, this Rule is to the effect that termination on account of unauthorized absence will not be deemed as a penalty. This Rule reads as under:

Rule 23.0

Rule 23 Penalties....

9. Explanation to Rule 23 of the Rules provides certain contingencies as not penalties and Clause (vi)(e) thereof reads as under:

(e) of an employee consequent upon abandonment of employment due to overstaying his sanctioned leave beyond the period originally granted/ subsequently extended or absenting unauthorizedly ab initio, for a period of more than 90 consecutive days.

10. From the conjoint reading of the aforesaid two Rules, viz., Rule 24.9 of the NTPC Service Rules and Rule 23(vi)(e) of the NTPC Conduct, Discipline and Appeal Rules, it becomes clear that when an employee remains unauthorizedly absent from the duty for 90 consecutive days either without sanction of leave or even when the leave is sanctioned and the period of leave is expired after a period of 90 days thereafter, he is deemed to have voluntarily abandoned and left the service of the corporation. Such deemed abandonment is not to be treated as penalty. The validity of similar provisions has come up for consideration in various cases. Both the parties have referred many case laws. It is not necessary to take note of all such judgments, as these are taken note of and considered by the Supreme Court in Hindustan Paper Corporation Vs. Purnendu Chakrobarty and Others, and U.P. State Bridge Corporation Ltd. and Others Vs. U.P. Rajya Setu Nigam S. Karamchari Sangh, . Therefore, discussions of these two judgments would be sufficient as it would provide the answer to the question posed.

11. In Hindustan Paper Corporation (supra), the concern even was to Rule 23(vi) (E) of Hindustan Paper Corporation Conduct, Discipline and Appeal Rules which is in identical terms as Rule 23 (vi) (e) of the NTPC Conduct, Discipline and Appeal Rules. The Supreme Court held the validity of this Rule making following observations:

12. We consider that in view of this concession made by the learned Counsel on behalf of the appellant-Corporation that the said Rule must be read and given effect to, subject to the compliance of the principles of natural justice, it cannot be said that the Rule is arbitrary or unreasonable or ultra vires Article 14 of the Constitution. In other words, before taking action under the said clause, an opportunity should be given to the employee to show cause against the action proposed and if the cause shown by the employee is good and acceptable, it follows that no action in terms of the said clause will be taken. Understood in this sense, it cannot be said that the said clause is either unreasonable or violative of Article 16 of the Constitution.

12. In that case, counsel for the employee had referred to the judgments in D.K. Yadav Vs. J.M.A. Industries Ltd., Hindustan Steel Ltd. Vs. The Presiding Officer, Labour Court, Orissa and Others, and Delhi Transport Corpn. Vs. D.T.C. Mazdoor Congress [1991 SCC (L & S) 1213] to contend that before passing the impugned order against the employee, the employee should have conducted a full-fledged inquiry and the failure to do so vitiates the impugned order. This contention was, however, negated by the Court in the following manner:

15. We have extracted Rule 23 in full. The explanation to the Rule specifically states that certain items enumerated thereunder shall not be treated as a penalty at all within the meaning of Rule 23. For our case the relevant Sub-clause is (vi)E which says that proceedings on leave without prior sanction and remaining unauthorisedly absent for more than 8 consecutive days: and/or overstaying his sanctioned leave beyond the period originally granted or subsequently extended for more than 8 consecutive days would result in loss of lien of the appointment of the employee. In this case we have seen that the first respondent had proceeded on leave without prior sanction and remained unauthorisedly absent for more than 6 months consecutively which obliged the appellant-Corporation to issue communication to the first respondent calling upon him to explain. Unfortunately, the first respondent, for reasons best known to him, has not availed himself of the opportunity as seen earlier but replied in a halfhearted way which resulted in the impugned order. Therefore, under the circumstances, it cannot be said that the principles of natural justice have not been complied with or the circumstances require any enquiry as contemplated under Rule 25. In the case cited by the learned Counsel for the first respondent, this Court has held:

that the law must, therefore, be now taken to be well-settled that procedure prescribed for depriving a person of livelihood must meet the challenge of Article 14 and such law would be liable to be tested on the anvil of Article 14 and the

procedure prescribed by a statute or statutory rule or rules or orders affecting the civil rights or result in civil consequences would have to answer the requirement of Article 14. So it must be right, just and fair and not arbitrary, fanciful or oppressive. There can be no distinction between a quasi-judicial function and an administrative function for the purpose of principles of natural justice. The aim of both administrative inquiry as well as the quasi judicial inquiry is to arrive at a just decision and if a rule of natural justice is calculated to secure justice to put it negatively, to prevent miscarriage of justice, it is difficult to see why it should be applicable only to quasi-judicial inquiry and not to administrative inquiry. It must logically apply to both.

16. On a consideration of the entire facts, we are of the view that the test laid down by this Court, as extracted above has been satisfied by the appellant-Corporation and therefore when viewed from the point of Rule 23(vi)(E), there was no good reason for the High Court to interfere with the impugned order of the appellant-Corporation dated 5.1.1989.

13. We would also like to record that on the facts of that case, the Court found that there was sufficient compliance of principles of natural justice as is clear from the following:

In the light of the above Rule, in particular Rule 23(vi)(E) the appellant-Corporation factually by communication dated 30-11- 1988 informed the first respondent that the leave applications have not been supported by medical certificates; that period must be treated as "unauthorised absent" and if he has got anything to say on that aspect he has to send the reply within 15 days from the date of receipt of that letter. His reply was that he was suffering from chest pain for quite some time and the medical certificates will be produced at the time of joining. To say the least that should not be the attitude of an employee. First of all, he was expected to take the leave ordinarily with prior sanction and extend the same after the earlier one was sanctioned by the appropriate authority. Right from the beginning his applications were not only not in proper form but were not supported by any medical certificates to justify the claim of the first respondent. At least the first respondent should have replied properly by enclosing the medical certificates or should have come forward with a true case. He did neither. It is in that context that the appellant Corporation invoked the said Rule, namely, Rule 23(vi)E.

14. In U.P. State Bridge Corporation (supra) certified standing orders of the Corporation provided for termination of service for unauthorized absence. Certain persons had gone on strike which was declared illegal and because of the said unauthorized absence by the corporation, invoked the provisions of the standing orders, the Corporation took the view that those workers had abandoned their job. The Supreme Court held that the unauthorized absence would include even absence due to illegal strike. The Court explained the legal position as under:

22. The fact of strike was also admitted in G.T. Lad (supra). Here again there was

no condition of service similar to CSO L-2.12. The Management had issued a notice calling upon the workmen to report within a specified period otherwise it would be construed as an abandonment. The workmen failed to report within the aforesaid period, The Management struck out the names of the workers from the rolls on the ground that the workmen were not interested in service and had totally abandoned it. This Court held that the abandonment was not a question of fact which was required to be proved. Where the only evidence was absence because of strike, there was no abandonment. It was also held, following Express Newspaper (supra) that it was not open to the company to introduce such changed terms and conditions of service pending an industrial dispute.

23. D.K. Yadav (supra) is an authority for the proposition that the principle of natural justice would have to be read in the Standing Orders. That was a case where there was a standing order similar to CSO L-2.12 except that 8 days" margin was granted within which the workman was required to return and satisfactorily explain the reasons for his absence or inability to return after the expiry of leave. This view was reiterated in the later decision of this Court in Lakshmi Precision Screws Ltd. v. Ram Bhagat (2002) 3 LLJ 516 SC where it was held that the element of natural justice was an in-built requirement of the Standing Orders.

24. In this case, the appellant-Corporation had issued two notices calling upon the workmen represented by the respondent to return to duty. The workmen did not respond to either of the notices. As we have noted it was not pleaded that the advertisement did not sufficiently comply with the principles of natural justice. The notice was issued giving an opportunity to the respondent to show cause why the presumption should not be drawn under CSO L-2.12. The respondent did not show cause. In the circumstances, the Management drew the presumption in terms of the CSO.

15. We may refer to the judgment of the Karnataka High Court (in Writ Petition No.26555/1997, decided on 15.5.2000) in the case of V.R. Vellore Vs. NTPC Limited. That case pertains to the same employer and Rule 25 of the National Thermal Power Corporation Rules relating to the voluntary abandoned of service and the validity of Rules was challenged as violative under Article 14 of the Constitution of India. The Court repelled the arguments that this Rule was unconstitutional. It was specifically held that there was no need to hold a departmental inquiry and once principles of natural justice was followed by giving notices to the petitioner in the said case to join the duties and the petitioner had not responded to the call, it was open to the employer to invoke their powers under Rule 25 of the Rules deeming that the petitioner has voluntarily abandoned service. This is clear from the following observations made by the Karnataka High Court, as under:

6. The question would be whether an enquiry should have been held by the respondent authorities before issuing the impugned communication. Rule 25 of the Rules is as under:

An employee who remains unauthorisedly absent and does not report for duty within 15 days (8 days for workman) from the date of expiry of leave granted to him shall lose lien on his post and shall be deemed to have voluntarily left the service of the Corporation, without notice.

However, if the employee is subsequently able to account of his unauthorized absence to the satisfaction of the management the latter may regularize the period of absence in a manner deemed fit and covered by the rules.

16. One of us (Rajiv Sahai Endlaw, J.) in *Syndicate Bank Vs. B.N. Pandey* [171 (2010) DLT 760], *Anil Chuttani Vs. The Oil and Natural Gas Corporation* [2010 (117) DRJ 433] and *Canara Bank Vs. Union of India* [2010 (118) DRJ 103] had occasion to deal with the case law in this regard. This Bench also in *Sukhdev Singh Vs. Delhi Development Authority*, revisited the said question. The conclusion each time has been that a permission of standing order of the employer providing for dismissal from service for unexplained delay is valid, prescribed the action taken under such a Rule/provision in fair, reasonable and in compliance of principles of natural justice.

17. We, thus, are of the opinion that the issue is no more res integra and the validity of such Rules has already been upheld.

18. The moot question that would fall for consideration is as to whether there is sufficient compliance of the principles of natural justice in the instant case.

19. Record shows that the petitioner was transferred to Uttarkashi vide Office Order dated 8th October, 2004 with immediate effect. He had requested for stay at Bharuch till March, 2005 in view of Board Examination of his daughter. This request was acceded to vide Office Memorandum dated 02.12.2004. Thereafter, Office Order No.50/2005 dated 01.4.2005 was issued relieving the petitioner from that date with instruction to join at Uttarkashi. He, however, joined Uttarkashi only on 31.5.2005 (F.N.). He worked hardly there for seven days whereafter applied for eight days leave with effect from 08.6.2005 stating that there was need for him to go to Bharuch. He, however, did not join back immediately thereafter, but joined later on. Thereafter, again he applied for seven days from 12.7.2005 to 18.7.2005 and stating that he would resume the duty on 17.7.2005 and he remained unauthorizedly from the duty till 05.9.2005 when notice regarding unauthorized absent from duty was sent to him mentioning Rule 24.09 of the Rules as well. The petitioner had applied for leave for the period 08.6.2005 to 18.6.2005 and 12.7.2005 to 18.7.2005. With regard to his earlier leave from 08.6.2005 to 18.6.2005 and 12.7.2005 to 18.7.2005, it was pointed out that he had not clearly specified the reason for the leave which he had applied. In any case, the respondent stated that after expiry of the sanctioned leave also, the petitioner remained absent and in these circumstances, provisions of Rule 24.09 of the Rules would apply and he was asked to resume the duties immediately.

20. The petitioner did not respond to the above. Instead, almost more than five

months thereafter, he sent application dated 09.2.2006 for seven days earned leave on the ground that her wife had suffered fracture in her right leg on 31.1.2006 at Bharuch. This was followed by another application dated 18.2.2006 on the same ground. Even thereafter he did not join the duties, another communication dated 23.3.2006 was sent referring to Rule 24.9 of the Rules asking him to join the duties. In this communication, following para was also added:

It is worth mentioning that earlier also you have processed on leave without specifying the type of leave availed. In spite of our repeated verbal requests, you have not regularized your earlier period of absence from duty.

Your absence/absence after expiry of the sanctioned leave attracts the above provisions and if the absence exceeds the prescribed 90 days period, the same shall make you liable to lose lien on the post held by you in NTPC.

21. It is clear from the above that even the earlier leave was not sanctioned and he was told about that. Reason was that the petitioner had not specified as to which type of leave he wanted to avail.

22. Instead of joining the duties, the petitioner sent another application dated 24.3.2006 for extending the leave upto 31.3.2006 on the ground that his wife had fractured her leg and the Board Examination and children were undergoing. He stated that he would join the duties on 01.4.2006. However, on 03.4.2006, he asked for further leave. The ground now given was that his house was under renovation which was likely to be completed by 10.4.2006 and he stated that he would join thereafter. Still he did not join and sent application dated 03.4.2006 for extension of leave stating that there was delay in completion of the renovation of his house. Leave was sought upto 25.4.2006, which was reiterated vide communication dated 17.4.2006. He did not join the duties even after 25.4.2006 and vide application dated 22.4.2006 sought extension till 30.4.2006. Now, reason stated was that he had to complete certain formalities for the house lease. Even after 30.4.2006, he did not join and sent application dated 26.4.2006 stating that he would be joining the duty by first week of May, 2006 as certain essential formalities related to house lease like change of electricity meter was still to be completed. He did not join even in the first week of May, 2006.

23. The respondent, in these circumstances, sent another Notice dated 25.5.2006 regarding unauthorized absent from the duty. In this, the petitioner was categorically informed that there was no leave balance which he could make use of and his absence from work place after expiry of sanctioned leave on 17.2.2006 had already crossed 90 days attracting Rule 24.09 of the Rules. There was categorically communicated that in these circumstances, his case was now processed for approval relating to loss of lien by him. Following portion of this Notice needs to be quoted:

As you very well know that there is no leave balance in your account which you can make use of and in the past also you have shown such irresponsible behavior

of staying away from project/station without getting your leaves approved/regularized. The things have stretched so far and are going out of order. Company has in the past also warned you regarding such irregularities at workplace but you have not taken any corrective measure. Not only this, you have not clearly specified at any instance the type of leave which you wish to avail.

Your total absence from workplace after expiry of sanctioned leave on 17.02.2006 has already crossed 90 days.

As per clause 24.9 of NTPC Service Rules "An employee who remains unauthorized absent from duty or place of work either without sanction of any leave or after expiry of sanctioned leave, if any, and does not report for duty for any reason whatsoever within 90 consecutive days from the date of his/her unauthorized absence, shall automatically lose lien on his/her post and he/she shall be deemed to have voluntarily abandoned and left the service of the corporation without notice.

Your absence/absence after expiry of the sanctioned leave attracts the above provisions and the absence has exceeded the prescribed 90 days period. We are now processing your case for approval of CA which same shall make you liable to lose on the post held by you in NTPC.

In view of the aforesaid, you are advised to report for duties immediately and also regularize your earlier period of absence failing which you will lose lien on the post held by you in NTPC.

24. Even this communication did not have any desired effect. Instead, of joining immediately, the petitioner sent communication dated 15.6.2006 stating that he would be joining the duties with effect from 26.6.2006 and submitted that "inordinate delay in joining my duties was only on account of the dependents personal problems, house registration & construction only." However, even on 26.6.2006, he did not join the duties. He sent another communication dated 14.7.2006 for extension of leave and did not join the duties thereafter. In these circumstances, communication dated 21.8.2006 was issued pointing out that he had lost his lien.

25. The aforesaid facts demonstrate the following:

- a) Various applications for leave submitted by the petitioner were not sanctioned. He was duly communicated about non-sanction. He was told time and again to state the type of leave he wanted to avail, but he did not respond.
- b) The petitioner kept on making applications for extension of leave and never adhered to his assurance of joining his duty by stipulated dates. This was so when he was specifically communicated that no leave of any kind was due to him.
- c) Specific notices were given referring to Rule 24.09 of the Rules and asking him to join the duties failing which rigours of the said provisions would apply. That

also did not yield any response from the petitioner.

26. In these circumstances, we are of the view that the respondent has complied with the principles of natural justice by giving adequate liberty to the petitioner. We, thus, do not find any infirmity in the impugned orders. This writ petition is accordingly dismissed.