

MANDEEP KUMAR ETC.

A

v.

STATE OF HARYANA AND ANR. ETC.

NOVEMBER 2, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

B

*Service Law :*

*Absence from duty—Discharged from service—Absence for about two days being marginal lapse fresh opportunity to improve excellence in performance of duty to be given—On reinstatement not eligible for arrears of salary—Any further lapse would entail in discharge from service—Directions issued.*

C

In these two appeals against the judgment of the Punjab and Haryana High Court, the appellants prayed for reinstatement in service.

D

Allowing the appeals, this Court

**HELD :** The absence from duty being marginal lapse on the part of the appellants, in the facts and circumstances of the case, this Court feels that they may be given a fresh opportunity to improve their excellence in the performance of the duty. If the appellants absent themselves from duty without leave even on a single occasion during next two years, their services may be discharged. On reinstatement, the appellants would not be eligible for payment of arrears of salary. [730-F]

E

**CIVIL APPELLATE JURISDICTION :** Civil Appeal No. 10217 of 1995 Etc. Etc.

F

From the Judgment and Order dated 27.9.93 of the Punjab & Haryana High Court in C.W.P. No. 743 of 1993.

Vipin Gogia, Ms. Jaspreet Gogia, A.P. Dhamija, Pradeep Agarwal, Ms. Pratibha Jain, for the Appellant in C.A. No. 10217/95.

G

B.R. Saini and M.L. Chhiber, for the Appellant in C.A. No. 10218/95.

Ms. Nisha Bagachi for Ms. Indu Malhotra for the Respondents.

H

A The following Order of the Court was delivered :

*C.A. No. 10217/95 (@SLP (C) No. 11897/94)*

Leave granted.

B In view of the fact that absence from duty from 2nd to 5th November, 1990 for nine days was already converted to casual leave, the absence from 27th and 28th January, 1991 and from 5th to 7th May, 1991 was for one day 23 hours and 30 minutes, practically two days, and from 1st to 3rd February, 1992, practically two days, being marginal lapse, on the part of the appellant, we, in the fact and circumstances of the case, think that he may be given a fresh opportunity to improve his excellence in the performance of his duty. If the appellant absents himself from duty without leave even on a single occasion during next two years, his services may be discharged. On reinstatement, pursuant to this order, the appellant would not be eligible for payment of arrears of salary.

D The appeal is allowed accordingly. No costs.

*C.A. No. 10218/95 (@ SLP (C) No. 22617/94)*

Leave granted.

E Appellant's absence from duty on 3rd March, 1991, for 1 day, 6 hours and 35 minutes, on 26th April, 1991, for 10 hours and 35 minutes, on 22nd May, 1991, for 16 hours being marginal lapse on his part, we, in the facts and circumstances of the case, think that he may be given a fresh opportunity to improve his excellence in the performance of the duty. If the appellant absents himself from duty without leave even on a single occasion during next two years, his services may be discharged. On reinstatement, pursuant to this order, the appellant would not be eligible for payment of arrears of salary.

F The appeal is accordingly allowed. No costs.

G.N.

Appeal allowed.