



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

RSA-1508-1999 (O&M)

K.L. SEHRA

.....Appellant

Vs.

**HARYANA LAND RECLAMATION AND DEVELOPMENT
CORPORATION LTD.**

.....Respondent

Reserved on : 07.05.2026

Pronounced on: 11.05.2026

Uploaded on: 12.05.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Umesh Narang, Advocate
for the appellant.

Mr. Ajay Chauhan, Advocate
for the respondent.

SUDEEPTI SHARMA J.

1. The present appeal is preferred judgment and decree dated 03.06.1997 passed by learned Civil Judge (Jr. Division), Karnal and judgment and decree dated 03.09.1998 passed by learned Additional District Judge, Karnal, whereby, the civil suit as well as the appeal filed by the appellant were dismissed respectively.

2. Brief facts of the case as per the civil suit are that appellant joined respondent/Corporation as Assistant Manager on 11.12.1974. He was chargesheeted under Rule 7 of Punjab Civil Services (Punishment and Appeal) Rules, 1952 vide memo dated 09.10.1986 on the charge of being willfully absent from duty from 18.06.1986 till he was placed under suspension vide order dated 12.07.1986. The second charge against him was that he failed to



report to Manager, H.L.R.D.C., Palwal and intentionally disobeyed orders dated 14.07.1986. He filed reply to the chargesheet, thereafter, Inquiry Officer was appointed and regular enquiry against him was conducted. He sought adjournments before the Inquiry Officer. Since he sought adjournments, departmental witnesses were examined on 09.10.1987 and again intimation was sent to him that enquiry is fixed for 26.10.1987. Thereafter, a letter dated 21.01.1988 was issued to him proposing punishment of dismissal from service to which he filed detailed reply but he was dismissed from service. He filed civil suit challenging dismissal order dated 07.04.1988. Civil suit filed by him was dismissed vide judgment and decree dated 03.06.1997 passed by learned Civil Judge (Jr. Division), Karnal. He filed appeal against the same which was also dismissed vide judgment and decree dated 03.09.1998 passed by learned Additional District Judge, Karnal. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that both the Courts failed to appreciate the evidence (oral as well as documentary) on record before dismissing the civil suit as well as appeal filed by the appellant. He further contends that list of documents and list of witnesses were not provided to him. Further that punishment of dismissal from service is disproportionate to the gravity of charges, since absence from duty was not willful but because of the illness of father of appellant for which he had applied for extension of leave as well. He, therefore, prays that the present regular second appeal be allowed.

4. *Per contra*, learned counsel for the respondent contends that both the Courts have rightly appreciated the evidence on record and dismissed the civil suit as well as the appeal filed by the appellant. He, therefore, prays that the present regular second appeal be dismissed.

5. I have heard learned Counsel for the parties and perused the whole



record of this case with their able assistance.

6. A perusal of the record shows that in Ex.P-10, appellant himself has admitted that list of documents as well as list of witnesses was already supplied to him. Appellant did not appear before the Inquiry Officer and also kept on seeking adjournments. Therefore, he was proceeded against *ex parte* and *ex parte* proceedings were also informed to him for setting aside of which he did not move any application. Further that proper opportunity of being heard was granted to the appellant but he remained absent during the course of enquiry proceedings as well. The contention of learned counsel for the appellant that he remained absent because of illness of his father cannot be accepted since once the extension of leave of appellant was rejected, appellant could not ignore the same and should have joined the duty. He sought adjournment before the Inquiry Officer as well. He was asked to report at a particular head quarter after rejection of his extension of leave but he still did not join. The constant absence of appellant shows his conduct which cannot be ignored. His leave was specifically rejected still he pursued on leave. He was posted at Naraingarh, there also he joined for one day and applied for the leave on the same day and after that he did not join back.

7. A further perusal of the record shows that all the documents as well as list of witnesses were provided to him but still he avoided to join the enquiry proceedings and sought adjournments before the Inquiry Officer. Further it is not the case of the appellant that he was only son who had to look after his father, but he had another brother named Satpal. Further it reveals from the record that whenever appellant remained posted at Karnal, he never sought any leave. When he was transferred from Karnal to Gharaunda, he started applying for leave. It is admitted by appellant as well that he proceeded



on leave despite the fact that his extension of leave was declined. So far as the contention of learned counsel for the appellant regarding non-providing of list of witnesses and list of documents is concerned, the same is also rejected on the ground that order dated 07.04.1988 clearly mentions that list of documents as well as list of witnesses were duly supplied. A perusal of the record shows that the appellant was a habitual absentee and was never serious about his job.

8. In view of the above, I do not find any infirmity in judgment and decree dated 03.06.1997 passed by learned Civil Judge (Jr. Division), Karnal and judgment and decree dated 03.09.1998 passed by learned Additional District Judge, Karnal and the same are upheld.

9. Accordingly, the present regular second appeal is ***dismissed***.

10. Decree sheet be prepared accordingly.

11. Pending application(s), if any, also stand disposed of.

11.05.2026

Saahil/Ayub

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No

(SUDEEPTI SHARMA)
JUDGE