THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.6.2015

CORAM

THE HONBLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

Writ Petition No.19607 of 2014

1. Union of India rep. by
The Commissioner of Income Tax - V
Chennai 600 034.

2. Joint Commissioner of Income Tax
Company Range - V
Chennai 600 034.

3. Assistant Commissioner of Income Tax
Company Circle - V(4)
Chennai 600 034. ... Petitioners

Vs.

1. P.Sreesundari

2. The Registrar
Central Administrative Tribunal
Madras Bench
Chennai. ... Respondents

Petition under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records relating to the order dated 25.4.2014 made in O.A.No.1680 of 2013 on the file of the second respondent and quash the same.

For Petitioners : Mr.M.T.Arunan, Standing Counsel

For Respondent-1 : Mr.S.Silambanan, Senior Counsel
For M/s. Profexs Associates

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O R D E R

(Made by V.Ramasubramanian,J.)

This writ petition is filed by the Union of India represented by the Commissioner of Income Tax, questioning the correctness of an order passed by the Central Administrative Tribunal granting relief to the first respondent on an application for leave submitted by her.

2. Heard Mr.M.T.Arunan, learned Standing Counsel for the petitioners and Mr.S.Silambanan, learned senior counsel for the first respondent.

3. The first respondent, while working as Senior Tax Assistant, in the office of the Assistant Commissioner of Income Tax, Company Circle V(4) submitted an application on 28.8.2013 seeking leave for one year. The leave that the first respondent sought was a "child care leave". It was on the ground that her son, who was undergoing the higher secondary course, needed her attention at the crucial time of his career.

4. But, it appears that the leave was not sanctioned on account of certain incidents that had happened in July 2013, during which the first respondent absented herself without any intimation. This had led to the issue of a show cause notice on 29.8.2013. Therefore, the first respondent filed an application before the Central Administrative Tribunal in O.A.No.1680 of 2013. The said application was allowed by the Tribunal only with a limited direction. The only direction issued by the Tribunal was to direct the petitioners to act strictly in accordance with DOPT OM dated 11.9.2008, as amended by subsequent letters and to sanction child care leave. We do not know how the Union of India can be aggrieved by such a direction to the petitioners to act strictly in accordance with the office memorandum dated 11.9.2008.

5. It is not the case of the petitioners that child care leave is something which is unheard of. It is not the case of the petitioners that the leave application was rejected. Therefore, the order passed by the Tribunal does not call for any interference. Hence, the writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2014 is also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai.

+1cc to Mr.M.T.Arunan, Advocate, S.R.No.30935
+1cc to M/s.Profexs Associates, Advocate, S.R.No.31482

W.P.No.19607 of 2014

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