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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10218/2016 & CM No. 40346/2016 (for interim direction)

PROFESSOR GAYATRI KANSAL

..... Petitioner

Through: Mr.Suman Doval and Mr. Dhawal
Jain, Advocates.

versus

INDIRA GANDHI NATIONAL OPEN UNIVERSITY AND ORS

..... Respondents

Through: Mr. Kirtiman Singh, Mr. Varun Jain
and Mr. Prateek Dhanda, Advocates

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **20.12.2016**

1. By this writ petition, petitioner sought the relief of conversion of Extra Ordinary Leave(EOL) granted to her from 3.8.2009 to 30.9.2010 into a Child Care Leave (CCL). Petitioner placed reliance upon Rule 10(i) of FRSR Part-III.

2. A reading of Rule 10(i) of FRSR, taking for the sake of argument that the said Rule applies to respondent no.1/IGNOU, shows that this Rule vests discretion in the employer to allow or not to allow conversion of leave from one head into another head. Learned counsel for respondents states that the

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request of the petitioner of conversion of leave was placed before the competent authority and the competent authority has passed an order dated 19.12.2016 denying the prayer of the petitioner to conversion of EOL into CCL. The copy of this order dated 19.12.2016 has been handed over to counsel for the petitioner in Court today and a copy of the said order dated 19.12.2016 has already been filed today on record.

3. Petitioner therefore now will have to file a detailed writ petition to challenge the rejection of the prayer by respondent no.1 for conversion of EOL into CCL, and which is done by respondent no.1 vide its order dated 19.12.2016. Since the order dated 19.12.2016 is not only a subsequent event but also a fresh cause of action, and till the order dated 19.12.2016 stands, petitioner cannot get the relief as claimed, counsel for the petitioner hence prays for and is granted liberty to withdraw this writ petition so as to file a fresh writ petition seeking the same relief not only on the facts as pleaded in the present writ petition but also by pleading additional facts to challenge and question the order dated 19.12.2016 declining the prayer of the petitioner to convert the EOL into CCL.

4. The writ petition is accordingly allowed to be withdrawn.

VALMIKI J. MEHTA, J

DECEMBER 20, 2016

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