

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

CWP No.22750 of 2013 (O&M)

Date of Decision:01.08.2017

Sarita Rani

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Harinder Sharma, Advocate for the petitioner.

Mr. Sukhbir Singh, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.

Petitioner, who is serving as Lecturer English under the Department of Education, State of Punjab applied for Child Care Leave for the period 15.07.2013 to 31.05.2014 on account of medical condition of her son, who was undergoing treatment in the Psychiatric Department of GMCH, Sector-32, Chandigarh.

Present petition was instituted in the year 2013 assailing the order dated 26.09.2013 (Annexure P-13) passed by the Director, Public Instructions (Secondary Education), Punjab and whereby Child Care Leave was sanctioned for a period of one month i.e. 01.10.2013 to 30.10.2013.

The entire case set up on behalf of the petitioner was on the strength of Instructions dated 07.02.2013 (Annexure P-6) issued by the Director Public Instructions (Secondary Education), Punjab and wherein Child Care Leave sought for a period in excess of three months was to be sanctioned by the Chief Minister of the State. The argument that had been raised by the counsel was that the application of the petitioner seeking Child

Care Leave beyond a period of three months could not have been dealt with at the level of the Director, Public Instructions and such application having not been forwarded to the office of the Chief Minister of the State, she has been denied fair consideration and that too, at the hands of the competent authority insofar as her claim for grant of Child Care Leave.

Upon notice of motion having been issued, written statement has been filed on behalf of the State. In the written statement, the issue as regards the competence of the authority to deal with an application seeking Child Care Leave beyond a period of three months has not been dealt with specifically. Rather, the reply on such aspect is evasive in nature.

Be that as it may, certain developments, which are relevant and had taken place after filing of the instant petition may be taken note of.

Mr. Harinder Sharma, learned counsel representing the petitioner submits that the medical condition of the son of the petitioner has since improved.

Mr. Sukhbir Singh, learned Assistant Advocate General, Punjab submits that after filing of the writ petition, a request had been made by the petitioner to treat the period in question as leave of the kind due and such request has been acceded to in terms passing requisite orders dated 10.10.2015. Counsel representing the petitioner does not dispute such factual development.

For all intents and purposes, the instant writ petition has on account of efflux of time and the subsequent developments noticed herein above been rendered infructuous.

However, counsel appearing for the petitioner would vehemently argue that the petitioner had been unfairly treated inasmuch as

the application for Child Care Leave for the period in excess of three months had not even been put up to the competent authority and under such peculiar circumstances, even though, such period has been directed to be treated as leave of the kind due, claim of the petitioner as regards release of certain financial benefits pertaining to such period would still survive. Counsel further submits that even a representation dated 11.01.2016 has been filed and the petitioner was even afforded an opportunity of personal hearing before the Secretary of the Department but till date, the final decision thereof has not been conveyed to the petitioner.

In view of the facts and circumstances noticed herein above, the present writ petition is disposed of as infructuous.

Directions, however, are issued to the respondent/authorities to consider the representation dated 11.01.2016 and to take a final decision thereupon expeditiously and in any case, within a period of two months from the date of receipt of a certified copy of this order.

Disposed of.

01.08.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |