

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP-26636-2014(O&M)

Date of decision : 23.10.2017

Poonam

... Petitioner

Versus

State of Haryana and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH***

Present: Mr.R.K.Malik, Senior Advocate  
with Mr. Tejpal Dull, Advocate  
for the petitioner.

Mr.Hitesh Pandit, Addl.A.G. Haryana.

**AMOL RATTAN SINGH, J.(ORAL)**

**CM-10630-CWP-2017**

The application is allowed.

The short replication is taken on record.

**CWP-26636-2014**

The petitioner has challenged the action of the respondents in not allowing her to join duty after she reported on 29.09.2014, as per Annexure P-10.

The background to the matter is that the petitioner being a Guest Lecturer with the college, respondent no.3, applied for maternity leave and thereafter child care leave, upon birth of her second child, which was sanctioned by the 2<sup>nd</sup> respondent upto 15.04.2013, even as per the written statement filed on behalf of respondents no.1 to 3. However, thereafter the petitioner is stated to have left for Australia on account of the

child developing some medical problem and, as contended, she continued to apply for leave on that basis to the respondents, with no reply having been received by her to such applications.

Though no application is seen to be on record by which the petitioner sought to visit Australia, she has annexed as Annexure P-6, a certificate seen to be issued by the Princess Margaret Hospital, Kalgoorlie, Western Australia, showing that the child (Yasmin Panghal) was running a fever and cold for two days. The date of admission to the college is shown to be 14.03.2013, with the date of discharge being 16.03.2013.

How the said certificate in any manner would show that the child was suffering from any serious problem which necessitated the petitioner to remain in Australia to not join duty till September, 2014, is wholly un-understandable. This is other than the fact that no application whatsoever is on record showing that the petitioner ever sought permission to go abroad even for medical reasons.

Consequently finding no merit in this petition, it is dismissed.

(AMOL RATTAN SINGH)  
JUDGE

**October 23, 2017.**

*Davinder Kumar*

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No