

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

CWP No. 5231 of 2013 (O&M)
Date of decision : May 17, 2017

Dr. Mukesh Yadav,

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. IP Goyat, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG Haryana

Ajay Tewari, J (Oral)

By way of this writ petition, the petitioner had claimed that the order withdrawing four advance increments granted to her in lieu of Ph.D had been wrongly withdrawn and that her application for child care leave had also wrongly been rejected on the ground that it could not be sanctioned from back date.

As regards the first prayer, it is not disputed that the increments which were withdrawn have now been restored to the petitioner.

As regards the second prayer, the averments made by the petitioner was that on 16.7.2010 she had applied for child care leave from 30.9.2010 to 30.1.2011 but the leave was granted to her only w.e.f 27.10.2010 to 30.1.2011. Thereafter, on 20.5.2011, after returning from the said leave, the petitioner again represented that she had applied vide letter

No.1459, dated 16.7.2010 and she should have been granted leave from 30.9.2010 and not from 27.10.2010. In sum and substance, the petitioner wanted 27 days' more leave.

In the written statement, the plea taken was that application of the petitioner for grant of child care leave was received only on 7.10.2010 and it was processed and leave granted from 27.10.2010.

On 21.3.2017, the following order was passed :-

“ Learned Sr. DAG Haryana states that reply to the issue raised on the last date of hearing would be necessary as well as to see the original record of the leave application submitted by the petitioner.

Adjourned to 17.5.2017.”

Today, original record has been produced in which there is one undated application moved by the petitioner for grant of child care leave and that had been received by the Principal of the College on 27.9.2010 and forwarded on that very day.

Counsel for the petitioner states that this does not alter the fact that the petitioner had earlier moved an application on 16.7.2010 also. That may be so but in the second application, the petitioner has not mentioned any thing about the earlier application; otherwise there was no bar for her to have mentioned in the second application that she had already applied on 16.7.2010 and the second application was more in the nature of a reminder. A perusal of the second application reveals as if it is an original application. More-over, in the writ petition also the petitioner did not disclose to the Court that she had moved another undated application and the circumstances in which she had moved it. There is an attempt on the part of the petitioner not to disclose the entire material to the Court. The dispute is also miniscule because it seems that from 30.9.2010 to 27.10.2010, the

petitioner continued on leave though it may have been earned leave or some other leave instead of child care leave. Thus, in view of the entire factual matrix, I see no reason to proceed further. Consequently, finding no merit in this writ petition, the same is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 17, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No