

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

CWP No. 4479 of 2018

Date of Decision: 23.02.2018

Sushila Devi

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.S. Chauhan, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

The result of this case would remain the same as in CWP No. 26951 of 2016, Shashi Bala Vs. State of Haryana and others decided on 22.12.2016. The following order was passed:

“By the very nature of things, Child Care Leave has to be applied for in advance and due permission accorded. The right is valuable because female employee gets full salary for the period of Child Care Leave. Child Care Leave cannot be applied for to act retrospectively and therefore, there is nothing wrong in the Department holding that ex post facto permission cannot be granted. In this case first request was made on 06.04.2011 for granting backdated Child Care Leave w.e.f 30.11.2010 to 30.03.2011.

No merit.

Dismissed.”

In view of this, there is no infirmity in the impugned order dated 30.09.2016 treating the period sought to be covered by Child Care Leave (CCL) as absent from duty with the period to be treated as leave of the kind due. The petitioner proceeded on leave without

sanction from the Department/Authority for the period from 28.02.2011 to 09.04.2011 and further from 04.05.2011 to 04.06.2011.

The present petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

23.02.2018

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*