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

+ W.P.(C) 13231/2018

DR. DEEPASHA GARG

..... Petitioner

Through: Mr. Devanshu Sajlan, Advocate.

versus

GOVIND BHALLABH PANT INSITITUTE OF POSTGRADUATE
MEDICAL EDUCATION AND RESERACH AND ORS.

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel, GNCTD (Service) along with
Mr. N.K. Singh, Ms. Palak Rohmetra
and Ms. Aarushi, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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10.12.2018

CM APPL. 51462/2018

Exemption allowed, subject to all just exceptions. Application stands disposed of.

W.P.(C) 13231/2018

The petitioner has preferred the present writ petition to assail the order dated 17.08.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (in short 'Tribunal') in OA No.24/2018.

The Tribunal rejected the said Original Application preferred by the petitioner wherein she, *inter alia*, sought a direction to the respondents to continue her in service and grant her maternity leave and pay salary for the period of the maternity leave.

The petitioner was appointed as a Senior Resident in the Department of Pathology of Govind Bhallabh Pant Institute of Postgraduate Medical Education and Research on ad-hoc basis for a period of 89 days w.e.f. 25.02.2014 to 24.05.2014. The term of the petitioner was extended from time to time up till 27.09.2016. On the last day of her contractual employment, she gave an application to seek leave on account of her pregnancy, to which she received no response. She sought to join back the Department on 23.03.2017. However, she was not permitted to do so. She was issued an experience certificate which showed that she has served up to 27.09.2016. The petitioner impugned the experience certificate dated 13.04.2017 for the period 25.02.2014 to 27.09.2016 on the ground that the maternity leave period has been excluded. The Tribunal, as aforesaid, dismissed the Original Application.

The petition is completely misconceived. The petitioner, admittedly, was only an ad-hoc appointee for spells of upto 89 days, lastly extended up to 27.09.2016. Admittedly, the petitioner did not serve after 27.09.2016 in any capacity. Therefore, there was no question of her being granted maternity leave when she was not expected to, or obliged to be in service after 27.09.2016. The grant of leave for a specific period postulates that the employee is obliged to serve during the period for which the leave is sought. However, that is not the case in hand.

Petition is dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

DECEMBER 10, 2018

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