

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

CWP-10739-2017

Date of Decision: 06.09.2019

Varsha Balhara and others

... Petitioners

vs.

Union of India and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Naveen Daryal, Advocate
for the petitioners.

Mr. Shivoy Dhir, Advocate
for the respondent-UI.

ARUN MONGA, J.(ORAL)

Inter alia, issuance of a writ in the nature of *certiorari* has been sought herein to quash the order dated 14.12.2015 (Annexure P-3 passed by respondent No.3-Principal, Sanik School, Kunjpura, District Karnal vide which, petitioners have been denied Child Care Leave.

2. Primary argument of learned counsel for the petitioners is that, order, impugned herein, is illegal and arbitrary being in violation of Rules/Instructions issued by Government of India and is, therefore, liable to be quashed.

3. I am not in agreement with the arguments of learned counsel for the petitioners that vide letter/order dated 01.09.2008 (Annexure P-1), the Sanik School Society has adopted the CCS Rules. For ready

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reference, the relevant extract of the letter/order dated 01.09.2008 (Annexure P-1) is reproduced hereinbelow:

“In accordance with rule 8.20 of the Sanik Schools Society's Rules & Regulation, maternity leave on full pay may be granted to women employees only twice during the service period in Sanik Schools. This provision is contrary to the provision of rule 43 of the CCS (Leave) Rules, 1972, which provides for grant of maternity leave for 135 days to women employees with less than two surviving children.

The matter has been considered in the Meeting of the Anomalies Committee held on 11-13th August, 2008 and it has been observed that in view of the provision of rule 8.20 of the Sanik Schools Society's Rules & Regulations, women employees of Sanik Schools have been subjected to undue disadvantage. Accordingly, it has been decided that in partial modification of Rule 8.20 of Sanik School Society's Rules, women employees with less than two surviving children may be granted maternity leave for 135 days as provided in CCS (Leave) Rules, 1972.”

4. A perusal of the above clearly reflects that CCS Rules have been adopted to the limited extent of benefit of maternity leave in the case of employees working in Sanik School, being at various with the maternity benefit, being granted to the employees, who are governed by CCS Rules. To the limited extent, vide said letter, it was clarified that the maternity leave Rules applicable in CCS employees shall be applicable to the employees working in the Sanik School.

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5. By no stretch of imagination, it can be construed that by a deemed legal fiction or otherwise, the CCS Rules applicable for Child Care Leave (CCL) and would also be applicable to the employees of Sanik School, as in the case of employees governed by CCS, Rules.

6. In view of the above, the writ petition is devoid of any merit and the same is, accordingly, dismissed.

06.09.2019
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(ARUN MONGA)
JUDGE

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