

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.18643 of 2019

Date of Decision: July 11, 2019

Kavita Rani

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Lekh Raj Nandal, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The prayer in the present writ petition is for issuance of a direction to the respondents to grant Child Care Leave (CCL) w.e.f. 05.07.2019 to 27.12.2019 for 176 days.

Petitioner is working as PGT English with the department since 07.03.2014 and completed two years of probation period. She gave birth to a male child on 27.11.2017, who is about 1½ years old and already availed CCL w.e.f. 18.07.2017 to 16.11.2017 and 17.08.2018 to 17.02.2019. She again submitted a representation for grant of CCL for 176 days, i.e., w.e.f. 05.07.2019 to 27.12.2019. District Education Officer, Sonapat has already forwarded the request to the Director, Secondary Education Haryana, Panchkula vide letter dated 26.04.2019 (Annexure P-1).

Learned counsel submits that the case of the petitioner is covered by the instructions dated 05.02.2010, but the Director, Secondary Education granted leave for only 37 days w.e.f. 05.07.2019 to 10.08.2019.

The instructions permit leave for two years (730) days during the entire service for taking care of two eldest surviving children below the age of 18 years only.

I have heard the learned counsel for the petitioner and appraised the paper book.

Instructions, Annexure P-2, do not envisage grant of leave for 176 days. It permits for first and second child for a period of 730 days upto 18 years, i.e., maximum of two years. Petitioner has already availed many Child Care Leaves. The Court cannot sit over the decision making process of the Director in the process of CCL. Since the instructions do not permit the petitioner to avail the leave for the period mentioned above, sanctioning of 37 days leave instead of 176 cannot be said to be fallacious and arbitrary or against the instructions.

Writ petition stands dismissed.

This will not prevent the petitioner to apply for leave within the parameters of the instructions already issued or issued from time to time.

July 11, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No