

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

**CWP No.11706 of 2019
Date of decision: 20.02.2020**

Sudesh Kumari

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Ranjit Saini, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Ritu Bahri, J.

Petitioner is seeking direction to the respondents to allow her application for grant of Child Care Leave w.e.f. 01.05.2019 to 15.06.2019 under Rule 46 of the Haryana Civil Service (Leave Rules), 2016.

The petitioner made an application for Child Care Leave, which was forwarded by respondent No.4-Principal to respondent No.3-Civil Surgeon, Gurugram on 28.02.2019. But, the leave was not granted on the ground that she had not submitted the said application 45 days in advance from the date of commencement of leave. Thereafter, the petitioner curtailed her leave vide application dated 18.03.2019 (Annexure P-2). Even this application was forwarded by the Principal. But, objections were raised vide letter dated 06.03.2019 (Annexure P-3) that the affidavit has not been signed by the petitioner and no detail of the Child Care Leave has been mentioned.

Petitioner has placed on record her affidavit dated 22.02.2019

had availed 59 days' Child Care Leave w.e.f. 03.11.2016 to 31.12.2016. While issuing notice of motion on 06.05.2019, the petitioner was ordered to proceed on Child Care Leave forthwith.

As per reply filed by the respondents, period of Child Care Leave, applied by the petitioner, is mismatched in both the affidavits and also in application forms. The first application should have been submitted before 45 days from the date, she was seeking the Child Care Leave. The second application was incomplete as the affidavit was not signed.

The petitioner has a right to avail Child Care Leave, if there is no mistake in the application and the affidavit. Instead of keeping the application pending, the department could have called her and rectify the mistake in the application forms. However, the respondent-department kept the application pending.

Since petitioner has already availed the Child Care Leave as per interim order dated 06.05.2019, this petition is allowed. A direction is given to the respondents to sanction the Child Care Leave, which has already been availed by the petitioner pursuant to the order dated 06.05.2019, as per rules.

20.02.2020
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No