

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27767-2017

Date of decision: 12.03.2020

Dr. Yogesh Lata

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

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

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

RITU BAHRI, J. (Oral).

By this petition, the petitioner is seeking direction to the respondents to grant her child care leave which has been rejected vide order dated 12.09.2017 (Annexure P-12).

On notice of this petition, written statement has been filed by the respondents. In para 2 of the preliminary submissions, it is stated that petitioner had moved an application dated 23.01.2017 (Annexure P-2) for grant of 179 days of child care leave from 06.03.2017 to 30.08.2017 with respect to her younger son namely Dhananjay Chaudhary to ensure success in his examination. It is further stated that there were four sanctioned posts of Medical Officer in ESI Dispensary, Nathupur (Gurugram). Out of four sanctioned posts, two posts were lying vacant and out of two posts, one Medical Officer had already proceeded on child care leave till 02.01.2018 as her child was only 6 months old. The petitioner had already availed 415 days child care leave. The petitioner again moved application for grant of 38 days of child care leave on 10.08.2017 (Annexure P-9) from 14.08.2017 to 20.09.2017.

The child care leave was rightly rejected vide order dated 12.09.2017 (Annexure P-12) since the petitioner was the only available Medical Officer in the office of ESI Dispensary, Nathupur (Gurugram) and further the ground for availing child care leave was that her son was to participate in some examination, that examination stage has already gone by on 13.08.2017 and as of today i.e. 12.03.2020, no case to grant child care leave is made out.

At this stage, learned counsel for the petitioner is not pressing application for grant of child care leave. However he submits that petitioner is entitled to some monetary benefits relating to child care leave.

This petition is disposed of with liberty to the petitioner to make representation to the respondents for monetary benefits which she is entitled in accordance with law.

12.03.2020
Divyanshi

(RITU BAHRI)
JUDGE

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