

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

**CWP-29160-2022 (O&M)
Date of Decision: 19.12.2022**

Anita Poonam

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Edward Augustine George, Advocate &
Mr. Shreesh Kakkar, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order dated 08.07.2022 (Annexure P-14), whereby petitioner's request for sanction of her medical leave from 16.08.2019 to 17.10.2019, was rejected, allegedly for non-compliance of Rule 30 of the Haryana Civil Services (Leave) Rules, 2016.

2. Background of the case is that the petitioner joined the respondent department on 22.03.1995 as Legal Assistant and was later on promoted as Deputy LR and Deputy Secretary (Group A). In year 2019, she underwent a sudden surgery caused by medical emergency. She wrote an application (Annexure P-1) to respondent No.2 on 14.08.2019 for grant of commuted leave. She had taken medical advice from Dr. Mangla Dogra, M.D., Obstetrician and Gynaecologist, Former Associate Prof. PGI, Chandigarh. Petitioner was operated on 16.08.2019 at Dogra Nursing Home and Endoscopy Centre, Chandigarh and was discharged from the hospital 2 days later i.e., on 18.08.2019.

2.1. Medical leave was not granted. Petitioner vide her letter dated 21.12.2021 (Annexure P-13) then explained that all the compliance formalities had been carried out on her part. Notwithstanding, vide impugned letter/order dated 08.07.2022 (Annexure P-14), her request for grant of commuted leave on medical grounds was rejected.

3. On advance service, the learned State counsel appears and opposes the petition.

4. I have heard the learned counsel for the parties.

5. It appears that the impugned order (Annexure P-14) has been passed on an erroneous understanding that petitioner, despite having been asked to supply requisite documents as per Haryana Civil Rules (Leave) Rules-2016, more particularly, specific proforma of the medical certificate under Rule 30 thereof, has not supplied the same.

6. Learned counsel for the petitioner has drawn my attention to letter dated 12.04.2021 (Annexure P-8). He submits that needful as required was duly complied with by the petitioner after getting the said certificate from the SMO, Chandigarh. It is not very clear from the impugned order as to why the said certificate has not been taken into consideration. However, it transpires in the course of hearing, as has been pointed out by the learned State counsel that since the said certificate has been issued by SMO, Chandigarh and not by the SMO in the State of Haryana, the same has not been entertained.

7. Being so, the competent authority is directed to get the said certificate (Annexure P-8) verified from any Medical Officer of State of Haryana and upon verification, if found genuine, the petitioner be given due credence of the same.

Her case be then processed in accordance with law. In the premise, the impugned

order (Annexure P-14) is set aside. The competent authority is granted liberty to pass a fresh administrative order, giving reasons thereof, in accordance with law.

8. Let the needful be done as expeditiously as possible, but in any case not later than 3 months from today.
9. Disposed of in the above terms.
10. Pending civil miscellaneous application, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

December 19, 2022
ashish

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