

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

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**CWP No. 3986 of 2023
Date of Decision : 28.7.2023**

Priyanka Rani

*..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Laxman Choudhary, Advocate, for the petitioner

Mr. Suneel Ranga, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *certiorari* to modify the order dated 2.12.2022 (Annexure P-7) whereby the petitioner was allowed Child Care Leave (CCL) from 2.12.2022 to 28.2.2023 (89 days) subject to fulfillment of the provisions of Rule 46 of the Haryana Civil Services (Leave) Rules, 2016.

2. Learned counsel for the petitioner contends that the petitioner is entitled to grant of 730 days CCL, and the same has wrongly been declined. Therefore, the order dated 2.12.2022 needs to be modified to extend the period of leave. It has further been submitted that the respondents have been granting CCL to similarly situated employees for more than 89 days; one such case is that of PGT–Geography, Meenakshi, posted at GSSS Sangahera, Rohtak, vide order dated 7.6.2022 (Annexure P-13).

3. Learned State counsel, on the contrary, submits that the

petitioner has already re-joined duty after expiry of the CCL period w.e.f. 1.3.2023, and the petition, as such, has been rendered infructuous.

4. Submissions made by learned counsel for the parties have been considered.

5. Undisputedly, pursuant to grant of CCL to the petitioner vide order dated 2.12.2022, he has re-joined duty after availing 89 days' leave. Therefore, the order is no longer in operation, and there is no question of its modification. At the same time, it is apparent that the respondents have been granting CCL beyond the period of 89 days in one go, as has been done in the case of similarly placed employee, vide order dated 7.6.2022.

6. In view thereof, the petition stands disposed of granting liberty to the petitioner to approach the respondents for grant of CCL for a longer period, and in case any such application is made by her, the same shall be considered and decided, in accordance with law, within a period of six weeks therefrom.

(TRIBHUVAN DAHIYA)
JUDGE

28.7.2023
Ashwani

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