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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13505-2024 (O&M)

Date of Decision : 18-10-2024

KIRANJEET KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Baljinder Singh, Advocate for the petitioner.

Mr. Satnampreet Singh Chauhan, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioner is that her 1 ½ year old child was admitted in the hospital on 11.02.2024 and due to suspension of internet service keeping in view the farmers protest, the petitioner could not apply for the grant of Child Care Leave for the period from 12.02.2024 to 26.02.2024 but thereafter, she requested that the said leave availed by the petitioner be treated as Child Care Leave as the petitioner was taking care of her 1 ½ year old child, who was admitted in the hospital but the respondents have declined the same vide order dated 24.04.2024 (Annexure P-11).

Though notice of motion was issued and sufficient time was granted to the respondents to file the reply but no reply has been filed.

Learned counsel for the respondents submits that as per instructions received, Child Care Leave was sought after availing the same

hence, the Child Care Leave could not have been granted though, the fact that the child of the petitioner who is 1 ½ year old, was not well has not been rebutted.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

The Child Care Leave has been made admissible to the mother so that, the minor children can be taken care of in the case of emergency. Once, the respondents have not been able to rebut the said fact that the child of the petitioner, who is 1 ½ years of age suffered from febrile seizure and was having very high fever and was admitted in the hospital and during the period for which the Child Care Leave has been sought starting from 12.02.2024 to 26.02.2024, the petitioner was taking care of her 1 ½ year old child in the hospital, nothing prevented the respondents from accepting the said period as a Child Care Leave.

Keeping in view the facts and circumstances of the present case, the respondents are directed to treat the period w.e.f. 12.02.2024 to 26.02.2024 as a Child Care Leave qua the petitioner.

Present petition is allowed as above.

Pending application, if any, also stands disposed of.

18-10-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO