

**CWP-11239-2026 (O&M)****1**

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

**(102)****CWP-11239-2026 (O&M)****Date of Decision : April 18, 2026****Union Territory Chandigarh and others****.. Petitioners**

**Versus**

**Dr. Shabana Gandhi and another****.. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Amit Jhanji, Sr. Standing Counsel, with  
Ms. Sukhmani Patwalia, Addl. Standing Counsel and  
Ms. Prerna Malhotra, Jr. Panel Counsel, for the petitioners.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 09.02.2024 (Annexure P-1) passed by respondent No.2- Central Administrative Tribunal, Chandigarh Bench, Chandigarh by which, respondent No.1 has been granted the benefit of child care leave w.e.f. 28.11.2021 to 12.12.2021 despite the fact that she was working on contractual basis.

2. Learned Senior Counsel appearing on behalf of the petitioners submits that though certain benefit including the maternity leave are admissible to the contractual employees but, the Tribunal exceeded its jurisdiction while granting the benefit of child care leave also to a contractual employee and therefore, the impugned order dated 09.02.2024 (Annexure P-1) passed by Tribunal is liable to be set aside.

3. We have heard learned Senior Counsel for the petitioners and have gone through the record with his able assistance.



4. It may be noticed that though, the Chandigarh Administration has filed the present writ petition challenging the order passed by the Tribunal granting child care leave to the respondent No.1, who is working on contractual basis but, this is not the first time that litigation on such issue has come before the Tribunal for adjudication qua the grant of child care leave to a contractual employee. The said issue was raised before the Tribunal by one Jagjeet Kaur, who was also not granted the benefit of child care leave on the ground that she is working on contractual basis and employee working on contractual basis is not entitled for the grant of said benefit. The Tribunal vide order dated 09.12.2019 (Annexure A-10) set aside the said decision of the Chandigarh Administration of not granting the benefit of child care leave to a contractual employee and by passing a detailed order, directed the grant of the benefit of child care leave to Jagjeet Kaur, who was working on contractual basis.

5. The Chandigarh Administration in compliance of said order passed by the Central Administrative Tribunal though granted the concession of child care leave to Jagjeet Kaur but imposed certain other conditions on her, which conditions were opposed by Jagjeet Kaur. In order to get the order dated 09.12.2019 (Annexure A-10) passed by the Central Administrative Tribunal, implemented in letter and spirit, an execution application was filed by Jagjeet Kaur which came to be dismissed by the Tribunal after which a writ petition was filed by Jagjeet Kaur being CWP No.6098 of 2021, which writ petition was disposed of by the Division Bench of this Court on 09.12.2021 by giving a direction that the benefit of child care leave given to Jagjeet Kaur by the Tribunal not be fettered with



by the Chandigarh Administration by imposing any restrictions and that her claim that she is entitled to the said benefit, be dealt with sympathetically by keeping in note the settled principle of law. The Chandigarh Administration accepted the said order and granted relief of child care leave to Jagjeet Kaur, who was working on contractual basis.

6. The Tribunal while placing reliance upon the claim accepted in case of Jagjeet Kaur by the Chandigarh Administration, who was also a contractual employee and was already granted the child care leave, has allowed the claim of the present respondent being covered against the Chandigarh Administration on the issue raised.

7. Once, there is no differentiating fact brought to the notice of this Court qua the status of appointment of Jagjeet Kaur as compared to respondent No.1 herein, both being contractual employees, learned Senior Counsel was requested to point out as to why, the benefit granted by the Tribunal in favour of respondent No.1 is bad, especially when benefit so claimed was already granted to Jagjeet Kaur, who is similarly situated as respondent-employee.

8. Learned Senior Counsel for the petitioners submits that in the case of Jagjeet Kaur, the benefit was granted as the child was sick whereas, the claim raised by respondent No.1 is for taking care of her child.

9. It may be noticed that the child care leave is to be extended to take care of the child in a manner required by the mother and whether the same was for purpose of education or health is immaterial, and creating such differentiation between both the employees only to attain the ends of denying the benefit to respondent No.1 cannot be accepted.



10. Learned Senior Counsel for the Chandigarh Administration submits that though, the Tribunal granted the benefit of child care leave to Jagjeet Kaur but the Chandigarh Administration while implementing the said decision categorically held that the said relief will not be applicable to any other employee and will be admissible only to Jagjeet Kaur and therefore, the Tribunal could not have granted the same relief to the respondent No.1 herein.

11. It may be noticed that any order passed by the Chandigarh Administration over and above an order passed by a competent Court of law will not give jurisdiction to treat the order passed by the competent Court of law as amended.

12. On being asked whether, any such restriction was imposed by the competent Court of law, learned Senior Counsel for the petitioners has not been able to point out any such restrictions imposed not to grant relief granted to Jagjeet Kaur as not admissible to any other similarly situated employee hence, any order passed by the Chandigarh Administration on executive side while implementing an order passed by the competent Court of law will not give them jurisdiction to project that an order passed on executive side will have a supremacy over and above an order passed by the competent Court of law so as to create a distinction between other similarly situated employees and to deny the benefit to them.

13. Further, learned Senior Counsel submits that the Chandigarh Administration is of the view that the benefit of child care leave cannot be granted to a contractual employee.



14. It may be noticed that the said issue has already been decided by the competent Court of law in the case of Jagjeet Kaur and if aggrieved by such decision, the Chandigarh Administration should have avail appropriate remedy available to them to challenge such order but once, the said order was accepted, it cannot be argued that when other similarly situated employee raised a claim for said benefit, they are within the jurisdiction to raise the same objection again so as to initiate adjudication on the same issue.

15. As per the settled principle of law, once a benefit has been granted to a particular category of an employee, all such similarly situated employees are to be made entitled for the said benefit rather than forcing everyone to approach the Court. The welfare State has to keep in mind that the litigation which initiated upon on an issue and has attained finality, should not be raised again for consideration of the Court so as to deny the relief to other similarly situated employees.

16. Learned Senior Counsel for the petitioners has not been able to dispute that there is no difference between Jagjeet Kaur and respondent No.1 qua the service conditions, hence, the relief granted by the Tribunal, which is based upon an earlier decision given by competent Court of law on the same issue, which decision already stands implemented after litigation attained finality and granted by the Tribunal which relief is sought by similarly situated employee, cannot be treated as perverse either on facts or on law.

17. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.



**CWP-11239-2026 (O&M)**

**6**

18. Accordingly, the writ petition is dismissed.

19. Civil miscellaneous application pending if any, also stands disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**April 18, 2026**

*harsha*

**(DEEPAK MANCHANDA)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : No