



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A. No.060/00108/2020

Chandigarh, this the 04th February, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Himani, Aged 34 years W/o Sh. Munish Kumar, working as Lecturer (Obstertrics and Gynaecological Nursing (OBG), College of Nursing, GMCH Sector 32, Chandigarh – 160032 Group 'B'

....Applicant

(BY: MR. R.K. SHARMA, ADVOCATE)

Versus

1. Union Territory, Chandigarh Administration through Advisor to Administrator, U.T. Civil Secretariat, Sector 9, Chandigarh – 160009.
2. Secretary, Medical Education and Research, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector 9, Chandigarh – 160009.
3. Director Principal, Government Medical College and Hospital, Sector 32, Chandigarh – 160032.
4. Principal, College of Nursing, Government Medical College and Hospital, Sector 32, Chandigarh – 160032.

... .Respondents

(BY: MR. ARVIND MOUDGIL, ADVOCATE)

O R D E R(Oral)

SANJEEV KAUSHIK, MEMBER (J):

1. Applicant who has been working as Lecturer on contract basis GMCH, Sector 32, Chandigarh, lays challenge to order dated 29.01.2020 (Annexure A-1) whereby her request for Child Care Leave for caring her pre-mature



underweight 10 and a half month baby, has been rejected, without there being any reason.

2. Mr. R.K. Sharma, learned counsel argued that the impugned order is a non-speaking one and therefore, it is liable to quashed and set aside. He submitted that while requesting for grant of CCL, the applicant referred to the law settled by this Court on 09.12.2019 in the case of **Jagjeet Kaur Vs. Finance Secretary-cum-Education Secretary** (O.A. No. 1013/2019), but her request has straightway been rejected without considering the judgment cited in the application, by passing a non-speaking order. He argued that the similar plea raised in the case of Jagjeet Kaur (supra), by the applicant therein was accepted based upon Rule 8.128-B of Punjab Civil Services Rules, 2016, Vol. I (Part-I) and also the law settled by the Hon'ble Allahabad High Court in the case of **Dr. Rachna Chaurasiya Vs. State of U.P. & Others** (Civil Misc. Writ Petition No. 24627 of 2017) decided on 29.05.2017. Therefore, he prayed that the impugned order be quashed and the matter be remitted back to the Competent Authority to re-consider the request of the applicant for grant of CCL in terms of judicial pronouncements relied upon by her.

3. Issue notice to the respondents.



4. At this stage, Mr. Arvind Moudgil, Advocate, accepts notice. He is not in a position to support the impugned order and is not able to cite any law contrary to what has been noticed herein above.

5. In the wake of above, I am of the view that the impugned order passed by the respondents is non-speaking as it does not spell out any reason to reject the request of the applicant which is in violation of established law that any order rejecting the request of an employee shall carry the reasons which weighed with the authority to reject the claim so that the aggrieved person may challenge the order before the Court of law, on valid grounds available to him/her. Moreover, the respondents have also not considered the ratio laid down in the case of Jagjeet Kaur (supra), relied upon by the applicant in her application for grant of CCL. Therefore, the impugned order (Annexure A-1) is not sustainable in law and is hereby quashed. The matter is remitted back to the respondents to re-appreciate the request of the applicant for grant of CCL, in the light of judicial pronouncements as noticed herein above, by passing a reasoned and speaking order within a period of 15 days from the date of receipt of a copy of this order. The order so passed be duly communicated to the applicant.



6. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

(Sanjeev Kaushik)
Member (J)

Place: Chandigarh

Dated: 04.02.2020

`mw'