

**Central Administrative Tribunal
Ernakulam Bench**

OA No.180/00677/2019

Thursday, this the 30th day of January, 2020.

CORAM

Hon'ble Mr.Ashish Kalia, Judicial Member

Sonia Sebastian M, aged 31 years,
W/o Venith Varghese,
Depot Assistant, Postal Stores Depot,
Thrissur-680 004.

Applicant

(Residing at Moothedan House, St.Mary's Street, Kuriachira P.O.
Thrissur-680 006).

(Advocate: Mr. C.J.Joy)

versus

1. Senior Superintendent of Post Offices,
Department of Posts, Thrissur Division,
Thrissur-680 001.

2. Secretary to Government,
Department of Posts,
Ministry of Communications & Information Technology,
(Govt of India), Dak Bhavan,
New Delhi-110 116.

Respondents

(Advocate: Sri N.Anilkumar, SCGSC)

The OA having been heard on 30th January, 2020, this Tribunal delivered the following order on the same day:

ORDER (oral)

Heard learned counsel on both sides at length.

Applicant has filed the present OA, aggrieved by non grant of Child Care Leave and approached this Tribunal on medical ground that she has to breast feed her baby in continuing intervals as per the doctor's advice. Initially, this Tribunal considered her application and granted stay and the applicant till

date has been on leave. The department has shown their inability to consider further CCL on the ground that there are similarly situated 15 female employees who are already on CCL. It is very difficult for the department to accommodate the applicant further. However, they have given an offer that the applicant may be posted at a place near Jubilee Mission where creche facility is available and let her join there.

2. On the contrary, the applicant's counsel submits that the applicant has already been transferred to Ernakulam where she has made necessary arrangements for residence etc., and she is ready and willing to join on 27.2.2020 when her child would attain one year of age.

3. After considering the rival contentions, this Tribunal is of the view that sufficient leave has already been taken by the applicant and she may be allowed to join by the department without any coercive action against her, within a period of two weeks at her transferred place at Ernakulam where all these facilities are available.

4. With these observations, the OA is disposed of. The applicant may join immediately after two weeks at her place of posting. No order as to costs.

(Ashish Kalia)
Judicial Member

Annexures filed by the applicant:

- Annexure A1: Copy of the Office Memorandum No.13018/2/2008-Estt. (L) dated 11.9.2008.
- Annexure A2: Copy of Medical Certificate dated 27.7.2019 issued by Dr.Satheesh Chandran, MBBS MD, Consultant Paediatrician & Neonatologist, Elite Mission Hospital, Kurukkancherry, Thrissur.
- Annexure A3: Copy of application dated 1.8.2019 submitted by the applicant to the 1st respondent for CCL for 250 days.
- Annexure A3(a): Copy of the representation dated 1.8.2019 submitted by the applicant to the 1st respondent along with Annexure A3.
- Annexure A4: Copy of order dated 9.8.2019 issued by the 1st respondent restricting CCL for 20 days.
- Annexure A5: Copy of application dated 10.9.2019 submitted by the applicant to the 1st respondent against requesting for extension of CCL.
- Annexure A6: Copy of the judgment dated 15.4.2014 passed by the Hon'ble Supreme Court in Civil Appeal No.4506 of 2014

Annexures filed by respondents:

- Annexure R1: Copy of the leave details of the applicant since joining duty.
- Annexure R2: Copy of the representation dated 23.01.2019 submitted by the applicant.
- Annexure R3: Copy of the representation dated 7.6.2019 submitted by the applicant.