

**Central Administrative Tribunal
Principal Bench**

OA No.1003/2020

New Delhi, this the 10th day of August, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Anshu
D/o Shri Bikram Singh
SSO (F. Psy)
H.No.2/B-348, Avas Vikas Colony,
Baraut, Baghpat,
U.P.-250611.

.. Applicant

(By Advocate : Shri Girijesh Pandey)

Versus

1. Govt. of NCT of Delhi,
Through Secretary (Home),
GNCT of Delhi,
Vth Floor, I.P. Estate,
Delhi Secretariat.
2. Forensic Science Laboratory,
Rohini, Delhi
Through its Director,
Madhuban Chowk,
Rohini, Delhi.

.. Respondents

(By Advocate : Ms. Esha Mazumdar)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant is working as a Senior Scientific Officer (SSO) in the Forensic Science Laboratory in the Government of NCT of Delhi. She applied for Child Care Leave (CCL) from 31.07.2020 to

28.08.2020. Earlier to that, she applied for CCL from 01.06.2020 to 31.07.2020.

2. Through an order dated 28.07.2020, the Head of the Office directed the applicant to join the office by stating that several sensitive matters entrusted to the applicant are pending and they are connected with the investigations undertaken by law enforcement agencies.

3. This OA is filed challenging the order dated 28.07.2020, and to direct the respondents to sanction the CCL to the applicant.

4. The applicant contends that her mother has undergone a surgery to eye, and there is none in her family to look after her five years child.

5. We heard Shri Girijesh Pandey, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents.

6. The applicant is holding a very important and sensitive position with the organization. The analysis made by the applicant would decide the course of investigation in many important cases.

7. It is no doubt true that the government created the facility of CCL with a view to enable the parents to attend the immediate urgency to the children. However, that is not a matter of right.

Much would depend upon the nature of urgency that is to be attended on the one hand, and the work entrusted to the employee on the other hand.

8. Learned counsel for the respondents on instructions submits that the applicant is not attending the office from 01.06.2020 and almost on leave from June onwards. The negative impact on the work in the entire unit, on account of such prolonged absence can easily be imagined. Even where the CCL is to be granted, it is only to enable the parents to attend certain emergencies. Except stating that her mother who used to look after her child has undergone an eye surgery, the applicant did not indicate any other impending reason. In a way, the child care leave is getting transformed in to parental care leave. In the impugned order, the respondents have stated valid reasons on account of which they cannot accede to the request of the applicant. Any decision to grant leave to an employee is in the discretion of the organization and hardly there exists any scope for the judicial review.

9. The OA is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/sd