

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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O.A/351/148/2021

Date of Order: 02.02.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Smti Swapna Subash
W/o Shri Subash,
R/o Rajiv Nagar, Post Blair,
Dist. – South Andaman, Pin – 744104
Working as Higher Grade Clerk,
Office of the Tehsildar, Ferrargunj,
South Andaman District – 744101.

..... Applicant.



-Versus-

1. Union of India
Represented through the Secretary
Ministry of Home Affairs
North Block New Delhi – 110001.
2. The Chief Secretary,
A & N Administration, Port Blair – 744101.
3. The Secretary (Personnel),
Andaman and Nicobar Administration,
Secretariat, Port Blair – 744101.
4. The Deputy Commissioner,
South Andaman District, Port Blair – 744101.
5. The Assistant Director (Admn),
Office of the Deputy Commissioner,
South Andaman District, Port Blair – 744101.

..... Respondents.

For The Applicant(s): Mr. P. C. Das, counsel
Ms. T. Maity, counsel

For The Respondent(s): Mr. R. Halder, counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both parties.

2. The applicant has preferred this application to seek Child Care Leave to proceed to Bangalore alongwith her minor son for the admission of her daughter. The applicant had initially prayed for 4 months CCL for

a period of 120 days. The respondents were directed to take instructions why the applicant would not be entitled to Child Care Leave as leave of the applicant was rejected without assigning any reason.

3. Ld. counsel for the applicant had cited a decision of the Hon'ble Apex Court in Kakali Ghosh, in support of his claim. Respondents were also directed to take instructions about applicability of its ratio to the present case.

Upon instructions, ld. counsel for the respondents submitted that a Child Care Leave of 30 days or 60 days is permissible and the competent authority to sanction leave is the Head of Office.

4. In view of the fact that the applicant has applied for Child Care Leave application and is legally entitled to Child Care Leave in regard to his minor son, we direct the authority to pass appropriate orders, permitting the applicant Child Care Leave for a limited period of at least 45 days, ignoring the rejection order dated 07.01.2021 as contained in Annexure A-7.

5. The present O.A accordingly stands disposed of. No costs.

6. Ld. counsel for the respondents to communicate the gist of the order to the respondents. Applicant is also at liberty to communicate the same, if so desired.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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