

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.2513/2014

New Delhi, this the 15th day of March, 2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

Sh. Vijender Kumar (Driver)
S/o Sh. Roop Chand, Aged about 38 years
R/o V.P.O. Dariyapur Kalan
New Delhi - 110 039.

... Applicant

(By Advocate: Ms. Ruchira Gupta)

Versus

1. Govt. of NCT of Delhi
through Secretary
(Delhi Transport Corporation)
I.P.Estate, New Delhi.

2. Delhi Transport Corporation
through Chairman
I.P.Estate
New Delhi.

3. Depot Manager
Delhi Transport Corporation
Kesho Pur depot
New Delhi - 110 018.

.... Respondents

(By Advocate: Ms. Ruchira Gupta with Ms. Swati Jain)

O R D E R (Oral)

By V. Ajay Kumar, Member (J):

Heard both sides.

2. The applicant, a Driver in Delhi Transport Corporation, filed the OA seeking a direction to the respondents to pay full payment of salary for the month of March, 2013 along with 24% interest.

3. It is the case of the applicant that the applicant's wife gave birth to a second child on 26.02.2013. In this connection, he made an application on 27.02.2013 seeking Paternity Leave for a period of 15 days, i.e., from 28.02.2013 to 12.03.2013 and accordingly he had not attended the office during the said period. The respondents, instead of granting him the Paternity Leave, deducted the salary for the said period from his salary for the month of March, 2013.

4. The learned counsel for the applicant submits that as per CCS (Leave) Rules, every employee is entitled for Paternity Leave and accordingly he is also entitled for granting of the Paternity Leave. The learned counsel for the applicant further submits that once his wife gave birth on 26.02.2013, the respondents ought to have granted leave and pay the salary for the said period.

5. Per contra, the learned counsel for the respondents submits that the respondents-DTC has not adopted the CCS (Leave) Rules, and as per their own rules, there is no provision for Paternity Leave and none of the DTC employees were granted Paternity Leave. It is further submitted by the learned counsel for the respondents that though no leave is granted to the applicant, unauthorisedly, without sanction of any leave, he absented from duty from 28.02.2013 to 12.03.2013. Since no other kind of leave is available to the credit of the applicant, the respondents rightly deducted the salary for the said period from the March, 2013 salary.

6. Since the applicant fails to show any rule under which he is entitled for granting of the Paternity Leave and also any instances where the respondents have granted the Paternity Leave to any of the employees who are working under the

DTC, we do not see any merit in the OA and accordingly, the same is dismissed. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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