

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.4561/2017

This the 12th day of February, 2018

Hon'ble Shri K N Shrivastava, Member(A)

Mrs. Revathy Nair, Aged about 31 years
Nursing Officer, Dr. Ram Manohar Lohia Hospital
New Delhi, RZ H4/9C, UGF, Mahavir Enclave
Group 'C', New Delhi-110045. ...Applicant

(By Advocate: Shri Jose Abraham)

Versus

Director & Medical Superintendent
Dr. Ram Manohar Lohia Hospital
Baba Kharak Singh Marg
Near Gurudwara Bangla Sahib
Connaught Place, New Delhi-110001. ...Respondents

(By Advocate: Shri Rajender Nischal)

ORDER (ORAL)

The applicant is Nursing Officer working at Dr. Ram Manohar Lohia Hospital. She applied for maternity leave of six months w.e.f 03.06.2017 which was duly granted by the respondents. She delivered her second baby on 08.06.2017. The applicant has applied for 120 days Child Care Leave (CCL) as per her entitlement. The respondents, however, vide impugned order dated 30.11.2017 sanctioned her 30 days CCL from 29.11.2017 to 28.12.2017.

2. Shri Rajender Nischal, learned counsel for the respondent has submitted that there is huge shortage of nursing staff at Dr. RML hospital and considering the exigencies of work involved, the respondent, in its wisdom, has sanctioned 30 days CCL to the applicant. Learned counsel for the applicant on the other hand described the personal circumstances of the applicant and strenuously argued as to why 120 days CCL is required for the applicant.

3. I have considered the arguments of the learned counsel for the parties. It is settled law that leave cannot be claimed as a matter of right by a government servant. However, while granting the leave, the balance of convenience of both the sides is to be looked into. Taking into consideration the personal circumstances of the applicant, as described by her counsel, I am of the view that the respondent should show some indulgence and grant her CCL for an additional period than what has already been done.

4. Learned counsel for the applicant has submitted that the applicant has already joined duty on 29.12.2017. This fact has also been confirmed by Shri Nischal. In view of the joining of the applicant, the OA has become infructuous. However, I, dispose of the OA with a direction to the respondents to

consider the case of the applicant for grant of additional CCL sympathetically keeping in view her family circumstances.

(K N Shrivastava)
Member(A)

/vb/