

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01065/2018
Chandigarh, this the 27th day of September, 2018

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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

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Roopa Banerjee wife of Sh. Hitangshu Banerjee, aged about 43 years, resident of M44, Plot No. 29, Rama Krishna Vihar, I.P. Extension, Patparganj, New Delhi, Delhi 110092 (at present posted as Deputy Director, Finance (Class-I Officer) at ESIC Hospital, IMT, Manesar Haryana Gurugram, Haryana – 122051, Group 'A'

....Applicant

(Present: Mr. Abhishek Sethi, Advocate)

Versus

1. Director General, Employees State Insurance Corporation (H.Q. Office) Panchdeep Bhawan, Comrade Inderjeet Gupta (CIG) Marg, New Delhi -110002.
2. Additional commissioner (Personnel & Administration), E-1, Employees State Insurance Corporation, (H.Q. Office Panchdeep Bhawan, Comrade Inderjeet Gupta (CIG), New Delhi -110002.
3. Medical Superintendent, Employees State Insurance Corporation Hospital, Plot No. 41, IMT Manesar, Gurugram, Haryana – 122051.
4. Assistant Director, Employees State Insurance Corporation (H.Q. Office) Panchdeep Bhawan, Comrade Inderjeet Gupta (CIG) Marg, New Delhi -110002.

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Respondents

(Present: Mr. K.K. Thakur, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. By way of the present O.A., the applicant has assailed the order dated 23.07.2018 (Annexure A-5) whereby her request for grant of Child Care Leave (in short CCL) for 235 days, under Rule 43-C of the CCS (Leave) Rules, 1972, was rejected, on the ground that there is no substitute available to work in her place. She has sought issuance of a direction to the respondents to grant her CCL for 235 days in view of provisions of CCL Scheme of Govt. of India.
2. On 11.09.2018, this Court, after noticing the contention of learned counsel for the applicant, issued notice to the respondents.

3. Today, Sh. Abishek Sethi, learned counsel for the applicant, produced order No. 165 of 2018 dated 26.09.2018 whereby the respondents have approved name of Link Officer to take the charge of the office of the applicant. He prays that let the respondents be directed to allow the application of the applicant for grant of 235 days of CCL, in view of latest development in the matter.

4. Learned counsel for the respondents submitted that he is not in receipt of the aforesaid order. He however, submitted that let the respondents be granted five days time to re-consider the prayer of the applicant in view of the changed circumstances.

5. Accordingly, in view of the above noticed recent development in the matter regarding approval of the name of link officer to hold the additional charge of the seat of the applicant, and also the observations of the Hon'ble Supreme Court in the case of **Kakali Ghosh Vs. Chief Secretary, Andaman and Nicobar Administration and Others**, 2014 (2) SCT 683, that the women employees shall be granted CCL, strictly as per the guidelines issued by the Govt. of India and Rule 43-C of the 1972 Rules, this O.A. is disposed of with a direction to the respondents to re-consider and decide the case of the applicant for grant of 235 days of CCL, within a period of five days. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 28.09.2018

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