

Rajesh Kumar versus Union of India & Ors.

CWP No. 2440 of 2014

10.04.2026 Present: Mr. Ashok Kumar, Advocate, vice Mr. V.D. Khidtta, Advocate, for the Applicant – Petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India [Senior Advocate] with Mr. Rajiv Sharma, Advocate, for the respondents-Union of India.

CMP No. 5077 of 2026

Heard. Matter is taken up today.

Accordingly, application is disposed of.

CWP No. 2440 of 2014.

Assailing the Orders dated 10.12.2013 [Annexure P-3] passed in O.A. No. 1501-HP-2012 and the Orders dated 27.01.2014 [Annexure P-4] passed in RA No. 063/00002/2014, grievance of the Petitioner is that he had proceeded on leave on 01.10.2021 and was supposed to rejoin duties on 03.10.2011 but he rejoined on 04.10.2011 vide his application dated 04.10.2011 (Annexure R-1) with the request to sanction one days Special Casual Leave for period of absence for 03.10.2011, but the plea was disallowed on 08.10.2011 and 14.10.2011 (Annexures P-9 and A-10). A similar instance arose for treating period of 3 days i.e. 17.12.2011, 19.12.2011 and 20.12.2011 as Special Casual Leave but the plea was rejected on 18.12.2011 (Annexure A-11).

2. Feeling aggrieved, the petitioner submitted a representation to the higher authorities, i.e., Deputy Commissioner, Navodaya Vidyalaya Samiti, Chandigarh, on 27.12.2011 (Annexure A-12) but in vain. In instant petition, the petitioner has assailed the aforesaid orders, (Annexures A-9 to A-10) whereby, Special Casual Leave has been denied to him.

3. Pursuant to issuance of notice, the Respondents have filed a reply. As regard, the *first instance*, the leave application dated 04.10.2011 (Annexure R-1), admitting that the petitioner could not rejoin duties on 03.10.2011 due to unavoidable reasons, for which Special Casual Leave was prayed. *For second instance*, the Special Casual Leave was prayed vide application dated 16.12.2011 (Annexure R-2) as petitioner had gone to appear in CSIR-CGT (NET-GRF) Examination, which was scheduled to be held on 18.12.2011 at Chandigarh.

4. Be that as it may, Perusal of Office Order dated 08.10.2011 and followed by order dated 14.10.2011, as communication dated 18.12.2011 (Annexures A-9 to A-11), indicates that Special Casual Leave was denied to the petitioner, on the ground, that the same is granted as per the Government of India Office Memorandum dated 19.11.2008, in cases,

where a Government employee proceeds on leave or remains absent “for specific requirements relating to the disability of the official concerned.”

5. Perusal of the Leave Applications, i.e., application dated 04.10.2011 (Annexure R-1) and subsequent application dated 16.12.2011 (Annexure R-2), does not spell out, that the leave was availed on account of requirements relatable to disability of official concerned. Even, Office Memorandum dated 19.11.2008, which was made the basis for disallowing Special Casual Leave, has not been assailed in OA and even the instant petition. In addition, nothing has been placed on record or argued, at this stage, to show that Special Casual Leave is admissible or grantable to an employee without establishing or pointing out that leave applied or availed was “relatable to the disability of official concerned.”

6. In view of above discussion, this Court sees no infirmity in the orders passed by the authorities, which were upheld by Central Administrative Tribunal. At this stage, on the persuasive request of Learned Counsel for the petitioner, the matter is adjourned so as to enable Learned Counsel to have Instructions in the matter.

List the matter on **28.04.2026**.

10th April, 2026
(Shamsh Tabrez)

(Ranjan Sharma)
Judge