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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Serial No.113

**CWP-10408-2026
Decided on: 11.05.2026**

Dr. Sunaina

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

PRESENT: Mr. Ankit Chahal, Advocate
for the petitioner.

Mr. Amit Sahni, Additional Advocate General, Haryana
assisted by Mr. Harmanjit Singh Johal, Advocate.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to grant Child Care Leave (CCL) to the petitioner in terms of Rule 46 of the Haryana Civil Services (Leave) Rules, 2016 (hereinafter referred to as 'the 2016 rules'), for a period of twenty months (609 days) for upbringing of her minor daughters.

2. Learned State counsel contended that the application has been considered and the Government has allowed CCL to the petitioner for ninety days to meet the exigencies, and grant of 609 days leave was not considered appropriate as it would adversely affect the functioning of the hospital and the health services. A copy of the office order allowing CCL, dated 05.05.2026, along with the instructions dated 08.05.2026, received by learned State counsel, have been retained on the case file as Annexure 'A'.



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3. Learned counsel for the petitioner, however, submits that the petitioner is entitled to the entire 609 days of leave in one go as per the 2016 rules. This has been so held in *Dr. Kanchan Bala v. State of Haryana and others*, (2018) 5 SLR 755.

4. Considering the submissions, this Court is not inclined to entertain the petition as the petitioner has no absolute right to claim CCL for the entire period of her entitlement in one go. Keeping in view administrative exigencies and availability of faculty in the Department of Respiratory Medicine, where the petitioner is working as Assistant Professor, it has been considered appropriate to partially accept the leave application and sanction ninety days of leave at this stage. The order, dated 05.05.2026, reads as under:

This order shall dispose of the reference sent by Director, Medical Education and Research on the request of Dr. Sunaina, Assistant Professor, Department of Respiratory Medicine, BPS, GMC for Women Khanpur Kalan, Sonapat for seeking child care leave for 01.04.2026 to 30.11.2027 (609 days). Director BPS, GMC for Women Khanpur Kalan, Sonapat has forwarded the letter with request of the doctor concerned to DMER, submitting therein that work load in Respiratory Medicine Department is very high and two faculty posts are already lying vacant, Further, the situation of the work load has also been reflected in letter dated 20.04.2026 of Director BPS, GMC for Women Khanpur Kalan, Sonapat.

The matter has been examined under the Haryana Civil Services (Leave) Rules, 2016. Rule 46 (2) of said rules provides the provisions for child care leave which can be allowed with the intention to facilitate the employees to take care of their children at the time of need but it does not mean that child care leave shall disrupt the functioning of the offices/institutions etc. As such, the sanctioning authority has to make a balance between the



functioning of the office and the grant of CCL to the employee concerned. It is a matter of record that the work load in the Medical Institute concerned is very high and posts are also lying vacant in the department concerned, so, for the smooth functioning of the hospital, teaching services and the department concerned in particular, it would be justifiable to grant the CCL for only 90 days to meet out the exigency, if any, to the applicant. However, the grant of leave of 609 days would ultimately affect the functioning of the hospital and health services adversely in particular.

There is nothing arbitrary or illegal about the order or the reasoning recorded therein. Besides, *Dr. Kanchan Bala case ibid.* also does not lay down that an employee has an absolute right to claim CCL. That case was decided on the peculiar facts, wherein the posts of Medical Specialists in the hospital had been lying vacant on account of inaction on the part of the Government. In these circumstances, non-sanctioning of CCL for want of Medical Specialists was considered to be an attempt by the Government to take advantage of its own fault, such a situation does not arise in the present case.

5. Dismissed. The petitioner will, however, be at liberty to seek her remaining CCL later, as and when the need arises.

11.05.2026

Mehak

(TRIBHUVAN DAHIYA)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/~~No~~
~~Yes~~/No