

ITEM NO.17

COURT NO.8

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).16864/2021

[Arising out of impugned final judgment and order dated 23-04-2021 in CWP No.3861/2020 passed by the High Court of Himachal Pradesh at Shimla]

SHALINI DHARMANI

Petitioner(s)

VERSUS

THE STATE OF HIMACHAL PRADESH & ORS.

Respondent(s)

(IA No. 137533/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 116091/2024 - INTERVENTION/IMPLEADMENT)

Date : 20-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Ms. Pragati Neekhara, AOR
Mr. Atul Dong, Adv.
Mr. Aniket Patel, Adv.

For Respondent(s) Mr. D.K Thakur, Adv.
Mr. Rajeev Kumar Gupta, Adv.
Mr. Tavleen Singh, Adv.
Ms. Vallabhi Shukla, Adv.
Mr. Joginder Mann, Adv.
Mr. Mayank Sarin, Adv.
Mr. Bimlesh Kumar Singh, AOR
Mr. Neeraj Agarwal, Adv.

Dr. N. Visakamurthy, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard Ms. Pragati Neekhara, learned counsel for the petitioner and Mr. D.K. Thakur, learned counsel for the respondent-State and other authorities at length.

During the course of submissions, it was brought to our notice that the State of Himachal Pradesh has issued notification dated 31st July, 2024 in exercise of the powers conferred by proviso to Article 309 of the Constitution of India to notify the Central Civil Services (Leave) Himachal Pradesh Amendment Rules, 2024 with regard to child care leave in Rule 43(C) being incorporated to the Himachal Pradesh Rules.

Learned counsel for the petitioner submitted that there are certain lacunae in the said Rules as compared to the Central Government Rules inasmuch as the benefits that arise in the matter of child care leave to Central Government Employees have not been fully incorporated insofar as the employees in the State of Himachal Pradesh is concerned.

Learned counsel for the respondent- State submitted that these Rules have been notified and the petitioner has also availed the benefit under the said Rules inasmuch as 93 days' of child care leave have been granted to the petitioner.

In the above backdrop, we dispose of this petition reserving liberty to the petitioner herein to seek remedies vis-a-vis, the aforesaid notification issued by the State of Himachal Pradesh by also making a representation for enlarging the benefit under the scheme of child care leave. If any such representation is made, the respondent-State shall consider the same as expeditiously as possible.

(SAPNA BISHT)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)