

# News

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## **A woman officer's penalty for taking time off to care for her children is overturned by the Delhi High Court.**

***The punishment was deemed by the court to be out of proportion to the accused misbehavior.***

In Ritu Ravi Prakash v. Union of India, the Delhi High Court recently overturned the Central government's punishment for a female officer who continued to miss work without permission.

***The woman officer, an Assistant Section Officer in the Central Secretariat Service, had regularly requested Child Care Leave (CCL) for her young daughters' board exams and related needs, but her requests were denied.***

She was missing from the National Commission for Backward Classes (NCBC) for approximately three months in 2014. Later on, they were granted "Extra-Ordinary Leave (EOL) on their own accord."

She was charged for the unapproved absence from 2013 to 2015 a year later. She was also charged with further offenses. But in 2018, the Inquiry Officer cleared her.

The Union Public Service Commission (UPSC) advised the Disciplinary Authority, which disagreed with the findings, to impose a penalty of two stages of pay reduction for three years, along with instructions that she would not be eligible for increments during that time and that the reduction would delay future increments.

The sentence was affirmed by the Central Administrative Tribunal (CAT), which prompted an

appeal to the High Court.

The penalty meted out to the officer outraged the court's conscience, according to the Division Bench of Justices Navin Chawla and Madhu Jain.

***"The penalty imposed on the petitioner is clearly disproportionate to the claimed misbehavior, consisting of a two-stage pay decrease for three years, denial of increments, and consequential impact on future advancement. There are no accusations of financial irregularities, corruption, moral turpitude, or any actions that compromise the integrity of service. They are solely related to the petitioner's attempts to get CCL for her young daughters. As a result, the Court stated that the punishment violates the proportionality test and shocks its conscience."***

It concurred with the petitioner counsel's argument that departmental proceedings could not have been brought up after the period of absence was regularized as EOL.

***The Court pointed out that the CCS (Leave) Rules expressly provide that a female government employee may be given CCL in order to raise or care for a young child."***

It disregarded the Center's argument that there was a labor shortage because the records indicated that more employees were available. It further noted that the denial of her request seemed arbitrary and devoid of any justification because CCL was granted to other female commanders.

The Court further noted that, in contrast to the CCL scheme's intended benefits for female police, the officer's valid request for leave was automatically denied.

Despite repeated arguments and the lack of an established administrative necessity, the denial of CCL in these situations cannot be upheld in court. The Court declared, ***"The respondent's approach shows mechanical rejection and a disregard for the beneficial intent underlying the CCL scheme, rather than reflecting a balanced consideration of the petitioner's legitimate request."***

***The Court further stated that, in accordance with the regulations, the Inquiry Officer should have been given a chance to be heard if there was a disagreement between the Disciplinary Authority and the officer. Despite all of the documentation evidence, the Disciplinary Authority judged her guilty."***

The subsequent evaluation of the petitioner's representation becomes a meaningless formality as a result of such pre-judgment. Because the required procedural safeguard was not followed, the procedure is consequently vitiated, the Court declared.

As it awarded relief to the petitioner, the Court determined that the disciplinary proceedings had both substantive and procedural flaws.

The petitioner was represented by attorneys Rajesh and Seema Katyal.

***The Union of India was represented by Senior Panel Counsel Ranvir Singh and attorney Vikas Kumar Singh.***