

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. –OA 205 OF 2025

DR. MANAS PAL - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Dr. Manas Pal,
and (appearing in person)
Date of For the State Respondents : None
order

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10.06.2025

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

Let affidavit of service filed be kept on record.

The prayer in this application is for a direction to the respondent authorities to set aside / quash the impugned memo No.593 dated 18.06.2024 issued by the Deputy Secretary, Water Resources Investigation and Development Department and extend the benefits as per memo No.1364-F(P) dated 15.02.2012 to the applicant.

The applicant, a Senior Statistician, I.P.&D. Circle, SWID, Khadya Bhawan, Kolkata, has two minor children and his wife expired on 30.03.2016. His mother is of 66 years. He is the only guardian to look after his mother and minor children. His elder son has severe mental shock, trauma, psychiatric problem, dissociative disorder and other diseases. The applicant submitted representations dated 01.11.2017 and 31.03.2023 for sanction of 730 days of Child Card Leave to look after his ailing sons and old age mother. Earlier his application for such leave was considered and rejected on the ground that there is no provision to sanction Child Care Leave to a male employee. The applicant submits that in the Rules, though there is no such provision, however, a copy of the order No.11020 dated 11.12.2018 of the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, by amending the Central Civil Services (Leave) Rules, 1972, it has been stated :

“2. (A) In Rule 43-C, (a) sub-rule (1), the following sub-rule has been substituted, namely;

“(1) Subject to the provisions of this rule, a female Government servant and single male Government servant may be granted child care leave by an authority competent to grant leave for a maximum period of seven hundred and thirty days during entire service for taking care of two eldest surviving children, whether for rearing or for looking after

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any of their needs, such as education, sickness and the like.””

Also in a memo dated 30.08.2019 of the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, in the amendment in Central Civil Services (Leave) Rules, 1972, the following sub-rule has been noted;

“III. *With the amendment of Rule 43-C relating to Child Care Leave (CCL), following changes have been made: -*

(B) CCL may be extended to single male parents who may include unmarried or widower or divorcee employees.”

Having heard the submissions and considering the nature of the case, the Respondent Nos. 1 and 2, the Additional Chief Secretary, Water Resources Investigation & Development Department and the Additional Chief Secretary, Finance Department are directed to consider the representations of the applicant, as a special case, in view of the fact that in a similar case, one Atanu Chakraborty of the same Department was given the Child Care Leave for 730 days, within a period of eight weeks from the date the applicant furnishes a copy of this order. The applicant shall submit a copy of this order along with copies of the above *Government of India Rules* as a reference and praying before the Respondent No. 1 to consider Child Care Leave to him as a special case.

The application is disposed of with the above directions.

SCN.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)