



2025:DHC:9950-DB



\$~47

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 17026/2025 & CM APPL. 70021/2025**

PANKAJ KUMARI

.....Petitioner

Through: Mr. Vivek Sheel, Ms.
Deepshikha Anshul Mahajan, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Avshreya Pratap Singh
Rudy, CGSC, Ms. Usha Jamnal, Mr.
Mohammad Junaid Mahmood, Ms. Prajna
Pandita, Advs. for R1 to 4.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER(ORAL)

%

11.11.2025

C. HARI SHANKAR, J

1. The petitioner's main grievance in this writ petition is against Rule 43 (1) of the Central Civil Services (Leave) Rules, 1972 to the extent it restricts the facility of maternity leave to two children.

2. The petitioner relies on the judgment of the Supreme Court in case **K. Umadevi v Government of Tamil Nadu and Ors**¹.

3. Learned Counsel for the parties are agreeable *ad idem* for a

¹ (2025) 8 SCC 263



2025:DHC:9950-DB



disposal of this writ petition with the direction to the respondents to consider the writ petition as a representation and take a decision thereon, specifically keeping in mind the principles enunciated in **K. Umadevi**.

4. Accordingly, the writ petition is disposed of, in the aforesaid terms.

5. Let the decision in the aforesaid terms be taken within three weeks and communicated to learned Counsel for the petitioner.

6. Ms. Rudy also agrees that the petitioner's application for leave, keeping in view the fact that she is in her seventh month of pregnancy, would also be re-considered by her department.

7. Till a decision on the application is taken, no adverse action would be taken against the petitioner.

8. Needless to say, should the petitioner continued to remain aggrieved, it will be open to the petitioner to revive this petition with an appropriate application.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

NOVEMBER 11, 2025/AT