



2025:DHC:10204-DB



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

Reserved on : 18.09.2025

Pronounced on: 20.11.2025

+ **W.P.(C) 15193/2021 & CM APPL. 47854/2021**

RITU RAVI PRAKASH

.....Petitioner

Through: Mr. Rajesh Katyal and
Ms.Seema Katyal, Advs.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Ranvir Singh, SPC with
Mr. Vikas Kumar Singh, Adv.
(through VC)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. The present petition has been filed by the petitioner challenging the Order dated 29.06.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1289/2020, titled ***Ritu Ravi Prakash v. Union of India.***, whereby the learned Tribunal dismissed the O.A. filed by the petitioner herein and upheld the penalty order passed by the Disciplinary Authority.

BRIEF FACTS:

2. The brief facts leading to the filing of the present petition are that the petitioner, Smt. Ritu Ravi Prakash, is serving as an Assistant Section Officer in the Central Secretariat Service. The petitioner is the mother of two daughters, namely Ms. Vidishaa Prakash, born on



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31.03.1995, and Ms. Ravisha Prakash, born on 06.02.1998. During the academic years 2012–2016, both her daughters were pursuing studies in Classes X and XII, and the petitioner had applied for Child Care Leave (CCL) on several occasions for their examinations and related needs. The leave, however, was not sanctioned on the occasions detailed hereinafter, and the subsequent period of her absence from duty became the subject of disciplinary proceedings.

3. The record shows that while posted in the Ministry of Overseas Indian Affairs, the petitioner applied for CCL for 61 days from 28.01.2013 to 29.03.2013 on the ground of her elder daughter's Class XII Board Examination. Though the application was recommended by the Section Officer, it was not sanctioned by the competent authority in view of the rotational transfer orders No.07/04/2012-CS.I (A) dated 27.12.2012, issued by the Department of Personnel and Training. Under the said orders, the petitioner was transferred from the Ministry of Home Affairs cadre to the Ministry of Social Justice and Empowerment cadre and was relieved from the Ministry of Indian Overseas Affairs with effect from 31.01.2013.

4. The petitioner joined duty in the Ministry of Social Justice and Empowerment on 01.02.2013 and applied for 68 days of CCL from 04.02.2013 to 12.04.2013. The application was returned without any endorsement. A separate request for earned leave for the same period was also not acted upon. The petitioner sent a copy of the said request by Speed Post on 13.02.2013.

5. The petitioner joined duty on 13.12.2013 and was thereafter



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transferred to the National Commission for Backward Classes (NCBC) under order No. A-22020/01/2008-Estt.1 dated 31.12.2013. She applied for 54 days' CCL from 03.03.2014 to 25.04.2014 in connection with her younger daughter's Class X Board Examinations. The NCBC informed her verbally that the request could not be processed in the absence of her Service Book. On 24.02.2014, the petitioner obtained an attested copy of her leave account from the parent Ministry and supplied the same to NCBC. Subsequently, the Service Book was transmitted to NCBC on 04.03.2014.

6. Thereafter, the petitioner submitted another application dated 08.03.2014 requesting for CCL with effect from 11.03.2014 to 02.05.2014 for 53 days as the Service Book had been provided and no intimation with respect to her last request had been given. *Vide* letter dated 13.03.2014, she was informed that her CCL could not be granted due to exigencies of work. Despite citing that a similarly situated employee of the NCBC had been granted CLL, her requests were not acceded to.

7. Thereafter, from 05.05.2014 till the order dated 08.08.2014 relieving her from the services of the NCBC, the petitioner did not join duty and attempted to get transferred back to the Ministry of Social Justice and Empowerment. Upon her being relieved by the NCBC, the period from 11.03.2014 to 08.08.2014 was directed to be treated as 'Extra-Ordinary Leave (EOL) on their own accord'. The petitioner then resumed duties at the Ministry of Social Justice and



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Empowerment on 11.08.2014.

8. The record further indicates that the petitioner, *vide* application dated 19.11.2014, then applied for 331 days of CCL from 29.12.2014 to 24.11.2015. The request was declined on 07.01.2015 on the ground that sufficient staff was not available.

9. She further submitted an application dated 07.01.2015, for the period 12.01.2025 to 08.12.2015, and a subsequent application dated 16.01.2015 for the period of 19.01.2015 to 15.12.2015, seeking leave for the same purpose were also declined *vide* orders dated 12.01.2015 and 30.01.2015. With regards to an application dated 19.01.2015, for the period 19.01.2015 to 15.12.2015, *vide* an order dated 27/28.01.2015, the petitioner was informed that it was not possible to sanction leave beyond 15 days.

10. A Memorandum No. A-28020/01/2015-Estt-I dated 11.12.2015 was thereafter issued to the petitioner framing articles of charge as under:

“ARTICAL OF CHARGE

The said Smt. Ritu Ravi Prakash, Assistant belonging to Central Secretariat Service in Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment during 2013-2015 exhibited gross negligence by absenting herself from duty wilfully and without approval of the competent authority. She joined Ministry of Social Justice and Empowerment on 01.02.2013 and was posted in the Main Ministry. Subsequently, she was transferred to National Commission for Backward Classes (NCBC) vide D/o SJ&E's Office Order No. A-22020/01/2008-Estt.I dated 31.12.2013. NCBC



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vide their O.M. dated 08.08.2014 relieved Smt. Prakash from her duties w.e.f. 08.08.2014 (AN) stating that she was not attending the office w.e.f. 11.03.2014 without any sanction of leave. Then, she was posted in SCD-VI Section vide D/o SJ&E's Office Order dated 29.08.2014. SCD- VI Section vide their note dated 23.09.2014 reported that she had been coming to the office often late and not maintaining the decorum of the office and hence recommended disciplinary action against her. It was also brought to the notice of Admn. Section by SCD-VI Section that she refused to attend several pending important receipts marked to her. She also kept busy herself with office landline phone and playing cards on the office computer.

She vide her letter dated 19.11 .2014 applied for 331 days CCL for the period from 29.12.2014 to 24.11.2015. The same was not recommended by the sanctioning authority. She was informed that CCL cannot be granted for such a long period and to apply afresh for convenient dates only during the final examination of her daughter vide SCO-VI's O.M dated 07.01.2015.

She vide her letter dated 07.01.2015 again applied for CCL for a period from 12.01.2015 to 08.12.2015. She was informed again that CCL cannot be granted for such a long period since the divisions is not having the sufficient staff and she was requested to apply only during the final examination of her daughter vide SCD-VI's O.M dated 12.01.2015.

She vide her letter dated 16.01.2015 addressed to Secretary, SJ&E again applied for CCL for a period from 19.01.2015 to 15.12.2015. The same was forwarded to US (SCD-VI) for his recommendation on 30.01.2015. Meanwhile Smt. Prakash vide her letter dated 19.01.2015 addressed to Joint Secretary(SCD) again requested for grant of SCL for a period from 19.01.2015 to 15.12.2015. US (SCD-VI) vide



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their O.M dated 28.01.2015 informed Smt. Prakash that due to dearth of sufficient staff in SCD-VI Division it is not possible to sanction leave to her for a period beyond 15 days and hence did not recommend 331 days CCL to her for a period from 19.01.2015 to 15.12.2015.

As such, Smt Prakash has been absenting himself from duty wilfully and without getting approval of the competent authority with effect from 09.02.2015.

By the aforesaid acts, the said Smt. Ritu Ravi Prakash has exhibited lack of devotion to duty and exhibited her conduct in a manner which is unbecoming of a Government servant thereby contravening the Rule 3 (1) (ii) and Rule 3 (1) (iii) of the Central Civil Services (Conduct) Rules, 1964.”

11. The petitioner submitted her written statement of defense and participated in the inquiry proceedings. The Inquiry Officer, after considering the evidence on record, submitted his report dated 10.08.2018 holding that the articles of charge were not proved. The Disciplinary Authority, however, issued a disagreement note dated 06.12.2018, disagreeing with the said findings, principally in respect of the period of absence. The disagreement note and the inquiry report was supplied to the petitioner, who filed her representation dated 21.12.2018.

12. The matter was thereafter referred to the Union Public Service Commission for advice. The Commission, *vide* communication letter No. 3/510/2018 - S. I dated 31.07.2019, advised imposition of the penalty of Reduction of pay by 2 (two) stages in the time scale of pay for a 3 (three) years with further directions that she will not earn increments of her pay during the period of such reduction and on



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expiry of such period, the reduction will have the effect of postponing the future increments of her pay, was imposed on the petitioner.

13. The petitioner was furnished a copy of the advice on 19.08.2019, and submitted her written response on 02.09.2019. The Disciplinary Authority thereafter passed the order No: A-28020/01/2015/Estt-1 dated 23.09.2019 imposing the aforesaid penalty. Office Order No. A-20011/01/2013-Estt.I was issued on 30.09.2019 fixing the basic pay of the petitioner in accordance with the said order.

14. The appeal preferred by the petitioner on 18.10.2019 was not entertained on the ground that no appeal lies against an order passed by the President in terms of Rule 22 of the Central Civil Services (CCA) Rules, 1965. Her revision petition dated 28.01.2020 was similarly not considered and was disposed of *vide* communication dated 20.02.2020.

15. Aggrieved by the charge memorandum dated 11.12.2015, the order of penalty dated 23.09.2019, and the Office Order dated 30.09.2019, the petitioner filed O.A. No. 1289/2020 before the learned Tribunal.

16. The learned Tribunal, upon consideration of the material on record, dismissed the said application by Impugned Order dated 29.06.2021. The petitioner has thereafter filed the present writ petition.

SUBMISSIONS ON BEHALF OF THE PETITIONER:



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17. The learned counsel submitted that the petitioner applied for CCL *vide* application dated 19.11.2014, seeking 331 days' leave from 29.12.2014 to 24.11.2015. The said request was rejected by the respondent *vide* order dated 07.01.2015. Subsequent applications dated 07.01.2015, 16.01.2015 and 19.01.2015, furnishing additional justification for the leave sought, were also rejected *vide* orders dated 12.01.2015, 30.01.2015 and 28.01.2015 respectively. The reason cited in each of the rejection orders was the non-availability of adequate staff.

18. It was further submitted that during the same period, other officials similarly situated, including one Smt. Savita Thakur, Assistant Section Officer, was granted continuous CCL of 624 days between 2013 and 2015, and another employee, Smt. Rekha, LDC, was granted leave, including CCL, aggregating to nearly four years. The petitioner thus claims discrimination and arbitrary treatment.

19. The petitioner was thereafter served with a memorandum of charges dated 11.12.2015, alleging unauthorized absence from 11.03.2014 to 08.08.2014, habitual late attendance, refusal to attend office receipts, and unauthorized absence from 09.02.2015 onwards. The Inquiry Officer, upon conducting the enquiry, submitted a report dated 10.08.2018 holding that none of the charges stood proved.

20. The learned counsel submitted that despite such findings, the Disciplinary Authority issued a disagreement note dated 06.12.2018, disagreeing with the Inquiry Officer's conclusion, primarily on the issue of unauthorized absence relating to the CCL period. It was



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contended that the said disagreement note does not confirm to the requirement of tentativeness under Rule 15(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, (hereinafter referred to as CCS (CCA) Rules, 1965'), and instead records conclusive findings by observing substantiated misdemeanor on part of the charged officer. Such language, according to the petitioner, demonstrates that the Disciplinary Authority had pre-judged the issue before seeking the petitioner's response. Reliance is placed on the decision of this Court in **Rajpal Singh v. Union of India**, 2016 SCC OnLine Del 1586; **Union of India v. Satish Pal Singh**, 2017 SCC OnLine Del 8242; and **Sunil Kumar v. Union of India**, 2018 SCC OnLine Del 6433, to contend that a disagreement note must be tentative in nature and not reflect a concluded opinion.

21. The learned counsel further submitted that under Rule 15(4) of the CCS (CCA) Rules, 1965, the Disciplinary Authority, before consulting the Union Public Service Commission (UPSC), is required to forward the record of inquiry for advice on the question of guilt and penalty. However, in the present case, the reference made to the UPSC indicates that the Disciplinary Authority had already obtained the President's approval for referring the matter to the UPSC for advice as to the quantum of penalty. This, according to the petitioner, shows that the Authority had already reached a decision to impose a penalty, rendering the consultation process perfunctory and contrary to the requirement of an unbiased consideration of the advice tendered by the Commission.



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22. The learned counsel further contended that the proceedings also suffer from the vice of double jeopardy. It was submitted that the charge memorandum dated 11.12.2015 includes the period from 11.03.2014 to 08.08.2014 for which Extra-Ordinary Leave (EOL) had already been sanctioned *vide* Office Memorandum dated 08.08.2014. Likewise, for the period of alleged late attendance between 17.11.2014 and 28.12.2014, deductions had already been made from the petitioner's salary under Office Memorandum dated 14.01.2015. Having already subjected the petitioner to such administrative action, the respondent could not lawfully re-agitate the same allegations through disciplinary proceedings. Reliance was placed on ***State of Punjab v. Bakshish Singh***, (1998) 8 SCC 222.

23. It is also urged that the penalty imposed is grossly disproportionate, particularly when the charge pertained only to absence on account of denial of CCL, and not to any act of moral turpitude, corruption, or financial impropriety. Reliance was placed on ***Amandeep Kaur v. Union of India & Ors.***, 2015:DHC:8692-DB, to submit that the punishment warrants interference on the ground of proportionality.

24. Lastly, it was contended that the learned Tribunal failed to appreciate or deal with several of the petitioner's grounds raised in the Original Application, particularly those relating to the legality of the disagreement note, the issue of double jeopardy, and the proportionality of penalty. Reliance was placed on the Order of this Court dated 05.04.2019, titled ***Shivpal Singh v. Central Bureau of***



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Investigation, W.P.(C) 3487/2019; Order dated 09.04.2019, titled ***Sandeep v. Union of India***, W.P.(C) 3617/2019; and Order dated 12.04.2019, titled ***Mohd. Asif & Anr. v. South Delhi Municipal Corporation & Ors.***, W.P.(C) 3828/2019.

25. The learned counsel also placed reliance on Supreme Court Judgement in ***Kakali Ghosh v. Chief Secretary, Andaman & Nicobar Administration.***, 2014 (15) SCC 300.

SUBMISSIONS ON BEHALF OF THE RESPONDENT:

26. The learned counsel contended that the petitioner's reliance on the plea that CCL had been denied arbitrarily, was misconceived. Under Rule 43-C(1) of the Central Civil Services (Leave) Rules, 1972 (hereinafter referred to as the 'CCS (Leave) Rules'), CCL could be granted to a woman government servant; however, the same was not a matter of right and remained subject to administrative exigencies. The Rules further prescribe that such leave could be availed in not more than three spells during a calendar year. It was submitted that the petitioner had sought leave for an unduly long continuous period of 331 days, citing the impending majority of her daughter as justification, which, according to the respondent, was contrary to the intent and spirit of the Rules.

27. The learned counsel for respondent submitted that the decision to decline the petitioner's CCL application was reasoned. The SCD-VI Section, to which she had been posted, was functioning with only two dealing assistants and was handling important matters relating to



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the National Commission for Scheduled Castes (NCSC). In the absence of sufficient staff, it was administratively impracticable to relieve the petitioner for such an extended period. She had accordingly been advised to seek leave only during her daughter's final examinations.

28. As to the petitioner's contention that her disciplinary proceedings were barred by the principle of double jeopardy, the respondent submitted that such a plea was untenable. The regularization of absence through the grant of EOL or deduction of salary did not preclude independent disciplinary action for misconduct, such as unauthorized absence. The two actions operated in distinct spheres, one administrative and the other disciplinary, and were not mutually exclusive.

29. In response to the petitioner's allegation that the disagreement note was conclusive rather than tentative, it was submitted that the petitioner had been duly afforded an opportunity to make her representation thereon; the case had subsequently been referred to the UPSC for its advice, which demonstrated that the process had not been pre-determined and that the note merely reflected a provisional view.

30. The learned counsel submitted that despite repeated advisories and memoranda issued to her on 20.10.2014, 18.03.2015, and 01.04.2015, the petitioner had failed to offer satisfactory explanations or to correct her conduct. Consequently, disciplinary proceedings had been initiated against her vide memorandum dated



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11.12.2015 under Rule 14 of the CCS (CCA) Rules, 1965.

31. The learned counsel further submitted that the penalty imposed was proportionate and justified, considering the petitioner's repeated acts of indiscipline and unauthorized absence. The advice of the UPSC, based on a detailed review of the record, had concluded that the charges stood proved and had recommended the impugned penalty as appropriate.

32. It was further contended that the petitioner's plea regarding the alleged availability of surplus staff was misplaced. The respondent explained that the temporary excess in the cadre of Assistants had arisen due to promotions from the feeder cadre of Upper Division Clerks (UDCs), which, in turn, had created a corresponding shortage in the UDC grade. The Department had already been facing a manpower deficit, and the excess staff had been under consideration for transfer to the Department of Empowerment of Persons with Disabilities, where acute vacancies existed.

ANALYSIS AND FINDINGS:

33. We have considered the submissions advanced by the learned counsels for the respective parties and have perused the record of the case.

34. The principal question that arises for consideration in the present case is whether the disciplinary proceedings initiated against the petitioner and the consequent imposition of the penalty *vide* order dated 23.09.2019 were in conformity with the principles of natural



justice, the provisions of the CCS (CCA) Rules, and the CCS (Leave) Rules.

35. The record demonstrates that the petitioner, a woman officer serving as an Assistant Section Officer, had sought CCL on multiple occasions between 2013 and 2015. While it is trite that leave, including CCL under Rule 7 of the CCS (Leave) Rules, cannot be claimed as a matter of right, it is equally well settled that the power to sanction or decline such leave must be exercised reasonably, having due regard to the object and purpose for which the CCL was introduced.

36. Rule 43-C(1) of the CCS (Leave) Rules specifically provides that a woman government servant may be granted CCL for the purpose of rearing or caring for a minor child. We quote the same below:

*“7. Right to leave
(1) Leave cannot be claimed as of right.*

xxx

43-C. Child Care Leave

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

37. In the present case, the respondent has placed reliance on the



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plea of staff shortage. However, no contemporaneous record or administrative assessment has been produced to substantiate such claim. On the contrary, the record reflects that the petitioner's section had additional staff available at the relevant time and that similar leave requests by other employees, had been granted during the same period. The distinction drawn in the petitioner's case, therefore, appears to be arbitrary and lacking rational basis.

38. The Inquiry Officer, in his report dated 10.08.2018, had examined these aspects and found that there existed no justifiable reason to deny the petitioner the CCL sought by her. The finding that the work of the petitioner could have been managed by existing staff or short-term arrangements, was not effectively controverted by the respondent.

39. The denial of CCL in such circumstances, despite repeated representations and the absence of a substantiated administrative necessity, cannot be sustained in law. The approach of the respondent, rather than reflecting a balanced consideration of the petitioner's legitimate request, demonstrates mechanical rejection and a disregard to the beneficial intent underlying the CCL scheme, particularly as recognized in **Kakali Ghosh** (supra).

40. Turning to the disciplinary authority's findings, it is undisputed that the Inquiry Officer, after a detailed examination of evidence, had concluded that the article of charge against the petitioner was not proved. The Disciplinary Authority, however, disagreed with the said findings and issued a disagreement note dated 06.12.2018.



41. Rule 15(2) of the CCS (CCA) Rules, 1965 mandates that, where the Disciplinary Authority disagrees with the findings of the Inquiry Officer, such disagreement must be “tentative” in nature, and the delinquent officer must be afforded an opportunity to submit her representation before a final decision is taken. The purpose of this safeguard is to ensure that the Disciplinary Authority’s mind remains open until it has duly considered the officer’s reply. We quote the provision as below:

“15. Action on inquiry report

xxx

(2) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority together with **its own tentative reasons for disagreement**, if any, with the findings of the inquiring authority on any article of the charge to the Government servant who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the Government servant.”

(emphasis applied)

42. In the present case, the language employed in the disagreement note leaves little doubt that the Disciplinary Authority had already formed a conclusive opinion on the petitioner’s guilt. The note recorded that the Inquiry Officer relied on only the contentions of the petitioner and ignored all the documentary evidence in spite of “*substantiated misdemeanor on part of the C.O.*”, a phrase that



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clearly conveys finality rather than tentativeness. Such pre-judgment renders the subsequent consideration of the petitioner's representation an empty formality. The process, therefore, stands vitiated for non-compliance with the mandatory procedural safeguard embodied in Rule 15(2).

43. The decision of this Court in **Rajpal Singh** (supra); **Satish Pal Singh** (supra) and **Sunil Kumar** (supra), have consistently held that a disagreement note which embodies a final conclusion rather than a tentative view vitiates the disciplinary process, violates the principles of fair hearing.

44. The penalty imposed upon the petitioner, that is, reduction of pay by two stages for three years, with denial of increments and consequential effect on future progression, is manifestly disproportionate to the alleged misconduct. The allegations do not involve moral turpitude, corruption, financial irregularity, or any act prejudicial to the integrity of service. They stem entirely from the petitioner's effort to avail CCL for her minor daughters. The punishment, therefore, shocks the conscience of this Court and fails the test of proportionality as reiterated in **Amandeep** (supra).

45. Additionally, we also find merit in the submission of the learned counsel for the petitioner that the period of absence from 11.03.2014 to 08.08.2014 having been regularized as EOL, could not have then been made a subject of departmental proceedings. The same would not be in consonance with the *dicta* of **Bakshish Singh** (supra).



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46. In view of the above discussion, this Court finds that the disciplinary proceedings against the petitioner suffered from procedural irregularities and substantive infirmities.

47. Accordingly, the Impugned penalty order dated 23.09.2019, as well as the Impugned order dated 31.10.2019 passed by the learned Tribunal are set aside. The respondent is directed to restore the petitioner's pay and consequential service benefits within a period of eight weeks from the date of this Order.

48. The writ petition is accordingly, allowed. The pending application is disposed of.

49. There shall be no order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

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