



2025:DHC:5265-DB



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

*Date of decision: 04.07.2025*

+ W.P.(C) 8985/2025  
GOVT OF NCT OF DELHI AND ORS .....Petitioners

Through: Mrs. Avnish Ahlawat, SC  
GNCTD Service with Mr.  
Nitesh Kumar Singh, Ms. Aliza  
Alam, Mr. Monish Sehrawat,  
Adv.

versus

SAROJ NAGAR .....Respondent

Through: Mr.Ramesh Rawat, Adv

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (ORAL)**

**CM APPL. 38368/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 8985/2025 & CM APPL. 38367/2025**

2. This petition has been filed by the petitioners, challenging the Order dated 15.12.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal'), in O.A. No. 813/2023, titled *Saroj Nagar v. The Chief Secretary & Ors.*, whereby the learned Tribunal allowed the said O.A. filed by the respondent herein, with the following directions:

*"8. In view of the facts and circumstances of the case, I hereby quash and set aside the*



*impugned order dated 25.08.2022 and 18.11.2022 with consequential reliefs to the applicant and accordingly direct the respondents to grant her ex post facto approval for study leave as has been granted in similar other cases, restore her earned leave, refund the recovered amount due to shortfall of earned leave and re-fix her salary treating the period under reference as study leaves.”*

3. At the outset, we put to the learned counsel for the petitioners that this petition is highly belated and that no explanation has been provided for the delay in filing the same. She is unable to assist the Court with the reasons for the delay. This alone could have been a ground for dismissal of the present petition. However, we have also considered the petition on merits.

4. It is not disputed that the respondent, based on a No Objection Certificate issued on 13.05.2014 for appearing in the entrance examination for the M.Sc. Nursing course, appeared for the said examination and was duly selected. The course was scheduled to commence on 21.07.2014. Immediately upon receiving the communication of her selection on 24.07.2014, the respondent applied for study leave on the very next day, that is, 25.07.2014. The case of the respondent was thereafter referred to the Special Secretary (Para) by the Secretary (Health and Family Welfare). While awaiting the sanction of her study leave, she applied for five days of Earned Leave from 09.09.2014 to 13.09.2014, *vide* an application dated 10.09.2014. This application also remained under consideration and was sanctioned only later, on 08.12.2014. The balance of Earned Leave to her credit as on 31.12.2014, along with 200 days of Half Pay Leave



(HPL), were also utilized by her.

5. It was only on 11.03.2019 that a Show-Cause Notice was finally issued to the respondent, alleging that she had been on unauthorized absence while pursuing her M.Sc. Nursing course without the approval of the competent authority. A vigilance inquiry was also initiated against her on 30.07.2019.

6. The Assistant Director (Vigilance), *vide* a report dated 03.03.2021, advised the Department that there was not enough material to proceed against the respondent.

7. It was only through the Orders dated 25.08.2022 and 18.11.2022, that the approval for her study leave was rejected by the petitioners.

8. Aggrieved thereby, the respondent approached the learned Tribunal by way of the above O.A.

9. The learned Tribunal, by the impugned order, allowed the O.A., observing as under:-

*“7. The issue that needs to be adjudicated is whether the applicant has followed the process as available or she has bypassed the process to take advantage of the situation. I am of the opinion that the applicant has duly applied after taking prior permission from the authorities, to appear in the entrance exam for the MSC nursing course and she was permitted to appear in the exam on 16.04.2014 as well as 03.05.2014 by the concerned authorities with an advice that on selection, she would have to apply for study leave to the competent authority, which she did vigorously on getting information from Rajkumari Amrit Kaur College of Nursing on 24.07.2014. Being the deadline of 28.07.2014, she applied for study leave on the very next date on*



*25.07.2014 and her application remained pending for decision before the competent authority. She pursued it repeatedly but no relief was granted to her as the matter was lying among the respondents for decision indefinitely. The onus of indecisiveness or delay may not lie on the applicant only because she took every precaution in applying, appearing and finally successfully completing the course. It is worth mention that the facility of study leave is granted by the Government to their employees to upgrade their skills which facilitate their professional delivery and serve the purpose in the larger interest. It is also worth mentioning that the applicant was doing her Pilot and Final Research Study with her employers only, so at no point of time she has shown any disrespect to her employers or procedure laid down for the leave in reference.”*

10. The learned counsel for the petitioners submits that the grant of study leave is not a matter of right and, therefore, the learned Tribunal has erred in condoning the misconduct of the respondent in proceeding on study leave without due sanction.

11. We do not find merit in the said contention. The facts of the case speak for themselves. The respondent had been consistently pursuing her request for study leave, which remained pending with the petitioners without any communication to the respondent. The respondent availed all the leaves available to her in order to pursue the course. In our opinion, the learned Tribunal has rightly allowed the O.A. with the above-mentioned directions. We see no reason to interfere with the same in the exercise of our powers under Article 226 of the Constitution of India.

12. The petition, along with the pending application, accordingly



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dismissed, both on delay as also on merit.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**JULY 4, 2025/rv/DG**

*Click here to check corrigendum, if any*