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

+ W.P.(C) 3629/2022, CM APPL. 10751/2022 & 10752/2022



..... Petitioner

Through: Mr. Anuj Jain, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Mr. Akhil Mittal, Advocate for R-1&R-2.

Mr. Sidharth Khatana, Sr. Panel Counsel with Mr Anirudh Shukla, Advocate for R-3&R-4.

Mr. Tushar Sannu, Standing Counsel, (DCPCR) with Ms. Pooja Gupta, Advocate for R-6.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **29.04.2022**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The petitioner is three months old. He asserts his rights under Articles 14 and 21 of the Constitution of India to care by his parents. He being the third child of his parents is deprived of the maternal care from his mother because she-a government employee, has been denied maternal leave by her employer North Delhi Municipal Corporation.
2. The latter has based its denial of maternity leave on Rule 43(1) of

CCS Rules, 1972, which was amended by an Office Memorandum dated 20.06.1988. The petitioner impugns R-1's office order dated 12.12.2017 which denied the maternity leave.

3. Looking at the nature of the case, this court appoints Ms. Shahrukh Alam, (Mob No. 9968074455) as *amicus curiae*. An e-copy of the petition be supplied to her.
4. Reply has not been filed, despite notice having been accepted by the learned counsel for respondent Nos. 1, 2, 3, 4 and 6 on 03.03.2022. They seek and are granted one last opportunity to file the same within two weeks, subject to payment of costs of Rs.25,000/- to be deposited with the DCF(South), GNCTD. Depending upon the soil type and topography the DCF may consider planting the following varieties of trees: Hingot, Kumttha, Phulai, Salai, Kaniar, Pisangan, Chudail Papdi, Amaltas, Pilkhan, Papdi, Kachnaar, Goolar, Badh, Kala Siris/Safed Siris, Bistendu, Dhau, Khair, Dhak and Ronjh may be planted in forest lands in the Southern Ridge. The said monies shall be deposited within three weeks into the following bank account of DCF(South):-

Name – Office of Conservator of Forests
Bank Name- UCO Bank, Delhi High Court
A/c Name- South Forest Division
A/c No. – 15530110156933
IFSC Code- UCBA0001553

5. Each tree shall have a minimum of two-years' nursery-age and a trunk height of six feet. A compliance affidavit, along with photographs showing before and after plantation status of the land/area, shall be filed both by the DCF and by the respondents. The trees so planted

shall be duly protected by tree-guards/fences. To the extent possible, community participation in the plantation and maintenance of the trees may be encouraged. Copy of this order be served upon DCF (South), GNCTD.

6. A copy of this order be also served upon Mr. Gautam Narayan, ASC, GNCTD, (e-mail:-g.narayanoffice@gmail.com; Mob. 9811411735), who has been assisting the court in number of cases apropos plantation of trees throughout the city, upon costs being levied on parties. Coordination in this regard may be done with him.
7. Should the reply not be filed within the said time, the right to file reply shall stand closed.
8. There is urgency in the matter, especially because at his tender age the petitioner suffers irreparably when with each passing day he is deprived of his mother's care.
9. Rejoinder if any, be filed before the next date.
10. List on 17.05.2022.

NAJMI WAZIRI, J

SWARANA KANTA SHARMA, J

APRIL 29, 2022/sk