

RAJASTHAN HIGH COURT, JODHPUR

CIRCULAR

No. 34/P.I./2020

Date : 27.10.2020

The Government of Rajasthan vide its Notification No.F.1(6)FD/Rules/2011 dated 22.05.2018 has introduced Rule 103C under the Rajasthan Service Rules, 1951 regarding Child Care Leave of 730 days to a Female Government Servant during her entire service for taking care of her two eldest surviving children whether for rearing or for looking after any of their needs, such as examination, sickness etc. Further, the State Government has issued clarification on various issues in this regard vide Memorandum No.F.1(6)FD/Rules/2011 dated 10.09.2018.

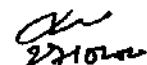
Now the State Government vide its Notification No. F.1(6)FD/Rules/2011 dated 31.07.2020 has amended the Rule 103 C Rajasthan Service Rules, 1951 and has substituted the existing sub-rule (1), which is :-

“A female Government Servant and a single male Government Servant may be granted child care leave by an authority competent to grant leave, for maximum period of two years, i.e. 730 days during her/his entire service for taking care of her/his two eldest surviving children whether for rearing or for looking after any of their needs, such as examination, sickness, etc.

Explanation : for the purpose of this rule, –

- (1) Single male Government servant means an unmarried or widower or divorcee Government servant.**
- (2) Child Means –**
 - a) a child below the age of eighteen years; or**
 - b) a child with a minimum disability of forty percent as elaborated in the Ministry of Social Justice and Empowerment, Government of India Notification number 16-18/97-NI. I dated 01.06.2001.”**

In order to ensure proper and smooth functioning, following instructions are issued regarding sanction of Child Care Leave to Female Judicial Officer or a Single Male Judicial Officer in supersession of earlier circular no. 01/P.I./2019 dated 07.01.2019 :-



1. Application for sanction of Child Care Leave shall be submitted by the **Female Judicial Officer or a Single Male Judicial Officer** in prescribed form strictly as per above Notification dated 22.05.2018, Memorandum dated 10.09.2018 and **Notification dated 31.07.2020**.
2. The District & Sessions Judge concerned shall forward the application of his subordinate Judicial Officer **with his recommendations** only after satisfying himself that the applicant Judicial Officer fulfills all conditions prescribed for Child Care Leave.
3. The Female Judicial Officer or a **Single Male Judicial Officer** of **District Judge Rank** shall submit the application for Child Care Leave in prescribed form strictly as per above Notification dated 22.05.2018, Memorandum dated 10.09.2018 and **Notification dated 31.07.2020**.
4. The District & Sessions Judge shall not forward the applications of more than 20% Female Judicial Officers or **Male Judicial Officers** of total working strength of his judgeship at a time.
5. While forwarding the application of Child Care Leave, the District & Sessions Judge shall propose suitable work arrangement for giving additional appointment of the Court concerned.
6. Application for Child Care Leave shall be submitted well before time so as to reach this office *at least three weeks* prior to its commencement.
7. LTC shall not be admissible during Child Care Leave.
8. **Child Care Leave will not be granted for more than three spells in a calendar year. A spell, which begins during a calendar year and ends in the next calendar year, shall be deemed as a spell pertaining to the calendar year in which the spells begins and it will not be granted for period less than five days at a time.** There shall be minimum gap of three months between two spells of Child Care Leave during a calendar year except in exceptional circumstances.
9. **During the period of child care leave a female Judicial Officer or a single male Judicial Officer, as**



the case may be, shall be entitled to leave salary for the first three hundred and sixty five days equal to one hundred percent of pay drawn immediately before proceeding on leave and equal to eighty (80) percent of the pay for the next three hundred and sixty five days.

10. Besides other conditions prescribed under above Notification dated 22.05.2018, Memorandum dated 10.09.2018 and Notification dated 31.07.2020, it is specifically reiterated that Child Care Leave cannot be claimed as a matter of right. Under no circumstance any Female Judicial Officer or a Single Male Judicial Officer can proceed on Child Care Leave without prior sanction of the same.

BY ORDER


REGISTRAR GENERAL

No. Estt. B2 (iv) 28/2000(CCL)/ 4854

Date : 27.10.2020

Copy forwarded to the following for information and necessary action:-

01. The Secretary to the Law Minister, Government of Rajasthan, Jaipur.
02. P.S. to All Hon'ble Judges at Jodhpur.
03. The Principal Secretary to the Government, Law Department-Cum-Legal Remembrance, Rajasthan, Jaipur.
04. The Secretary to the Government of Rajasthan, Department of General Administration (Gr.2), Jaipur.
05. The Secretary, Lokayukta, Sachivalaya, Jaipur.
06. The Accountant General, Rajasthan, Jaipur.
07. The Registrar General/ Registrar(Vig.)/ (Admn.)/ (Rules)/ (Class.)/ (Exam.)/ OSD (F&I)/ Rajasthan High Court, Jodhpur and Registrar hq. at Delhi.
08. The Registrar-Cum-Principal Secretary to Hon'ble the Chief Justice, Rajasthan High Court, Jodhpur/ Bench, Jaipur.
09. The Registrar (Admn.), Rajasthan High Court Bench, Jaipur with the request to distribute the copies of this order to all the Hon'ble Judges sitting at Jaipur through P.S., Member Secretary, Rajasthan State Legal Services Authority and all the Judicial Officers posted in the Registry at Jaipur Bench, Jaipur.
10. All Deputy Registrars, Rajasthan High Court, Jodhpur/ Bench, Jaipur.
11. All District & Sessions Judges with the request to serve/circulate the copy of this Circular to the concerned Courts/Officers/Treasury Officers as per direction issued vide this office letter No 17022 dated 08.10.2015.
12. The Director, Rajasthan State Judicial Academy, Jodhpur.
13. A.O.J., Classification Section (Website), Rajasthan High Court, Jodhpur/Bench, Jaipur.

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REGISTRAR GENERAL