

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:22/11/2016

Sarbjit Kaur

.....Petitioner

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.NS Bains,Advocate for the petitioner.

Mz.Sudeepti Sharma,DAG Punjab assisted by
Dr.Shaminder Singh Kang, office of Director, Health and
Family Welfare,Punjab,Chandigarh.

Jaswant Singh,J(Oral)

The petitioner had joined as Auxiliary Nursing Midwife (ANM) with the Department of Health and Family Welfare,Punjab on 19.8.1983. She had undergone General Nursing 'A' Grade Course for the Session 1983-85. The study leave for the said period was declined on the ground that the course was in the own interest of the employee, and only the leave of kind due was sanctioned.

It prima facie appears that the matter is squarely covered by a decision of this Court in CWP No.2121 of 1995, decided on 29.5.2003(P-3).

No doubt, there is a delay of almost 29 years in seeking the relief, however, in the light of subsequent judgment annexed with the petitioner, the delay will not be significant as the Department was unilaterally required to extend the benefit to all the similarly situated Midwives.

Although the State by way of filing reply contested the claim,

consideration of the matter in the light of dismissal of appeal in SLP by Hon'ble the Supreme Court against the decision dated 29.5.2003(P-3), order dated 15.11.2016 has been passed, extending the claimed relief to the petitioner.

Copy of the order dated 15.11.2016, in vernacular, has been taken on record.

In view of the order dated 15.11.2016, learned counsel for the petitioner concedes that nothing more requires to be adjudicated in this petition.

Dismissed as infructuous.

22.11.2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No