

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.10242 of 2017 (O&M)

Date of Decision: 05.07.2017

Neelam Rani

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. T.P.S. Chawla, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The petitioner, who is serving as Science Mistress under the Sarv Shiksha Abhiyan Authority, State of Punjab was granted Maternity Leave for a period of 90 days and which was expiring on 12.5.2017.

The instant petition was instituted on 10.5.2017 raising a claim that in the light of the amendment brought about in the Maternity Benefits Act, 1961 a female employee would be entitled to Maternity Leave for a maximum period of 180 days.

At the stage of preliminary hearing on 11.5.2017 notice of motion was issued returnable for today and interim directions were issued that the Maternity Leave of the petitioner which was going to expire on 12.5.2017 would be extended till the next date of hearing.

Undisputedly, no specific order has been passed till date as regards the claim of the petitioner for grant of maximum period of 180 days of Maternity Leave as per amendment under the Maternity Benefits Act, 1961.

In view of the facts and circumstances noticed herein above, I deem it appropriate to dispose of the instant writ petition with a direction to respondent no.2 i.e. the Director General, School Education-cum-Project Director, Sarv Shiksha Abhiyan Authority, Punjab/competent authority to take a final decision as regards the claim of the petitioner for maximum period of Maternity Leave i.e. 180 days and for which a representation/application dated 21.4.2017 at Annexure P-4 is stated to have already been filed.

A final decision thereupon be taken by passing a speaking order and the same be communicated to the petitioner within a period of 10 days from today.

Till the time a final decision as directed by this Court is taken, the interim directions issued by this Court on 11.5.2017 would continue.

It is, however, clarified that while directing respondent no.2 to consider the claim of the petitioner, this Court has not expressed any opinion on the merits of the claim.

Petition is disposed of.

A copy of this order be furnished to learned counsel for the parties under the signatures of Bench Secretary.

(TEJINDER SINGH DHINDSA)
JUDGE

05.07.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No