

CWP-16874-2014
Date of Decision : 14.03.2017

Versus

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Ms. Shruti Jain Goyal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

Counsel for the petitioner has relied upon the decision of this Court in **Ruksana vs. State of Haryana** passed in **CWP-4229-2011** decided on 21.04.2011 wherein also the issue of validity of Note 4 to Rule 8.127 of the Punjab Civil Services Rules Volume I Part I was considered whereby the benefits has been granted under Section 27 of the Maternity Benefit Act, 1961 and it was held that the Act would apply notwithstanding the Rule and in case any benefit has to be restricted the same can only be done after amending the Act. In the present case also the Section 22 of Haryana Affiliated Colleges Rules in similar terms as Note 4 to Rule 8.127 of the Punjab Civil Services Rules and as such the maternity benefits cannot be

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restricted to only two living children.

Consequently, the facts of the present case are covered under the decision of this Court in Ruksana's case (supra) therefor the instant petition stands allowed in the same terms as in **CWP-4229-2011**

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

March 14, 2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No