

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

CWP No.20930 of 2016
Date of decision: 23.04.2018

Neetu Sindhu

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rakesh Nagpal, Advocate for the petitioner.
Mr. RK Doon, AAG, Haryana.

ARUN PALLI, J. (Oral)

The petitioner prays for a writ in the nature of mandamus, directing the respondents to grant her maternity leave, for the third child w.e.f. 14.09.2016/15.10.2016 onwards.

Concededly, the nature of employment of the petitioner was/is contractual, and in terms of the Government instructions, dated 22.06.2009 (Annexure R1), the benefit prayed for is admissible only upto the delivery of second living child. And, thus, the prayer of the petitioner could not be countenanced. In fact, the petitioner too has placed on record the instructions, dated 04.08.2014 (Annexure P3) and Clause II thereof also postulates; that a woman employee who already has two living children before her contractual engagement shall not be entitled to the maternity leave.

Faced with this, learned counsel for the petitioner could not point out anything from the record that would entitle the petitioner to claim the relief prayed for.

That being so, no interference is warranted in exercise of extraordinary writ jurisdiction under Articles 226/227 of the Constitution of India. The petition being devoid of merit is accordingly dismissed.

23.04.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO