

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

**CWP No. 4752 of 2016 (O&M)  
Date of decision : 15.10.2018**

**Sunaina Rana**

**...Petitioner**

**versus**

**U.T Chandigarh and others**

**...Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Aman Chaudhary, Advocate  
for the petitioner.

Mr.I.P.S. Doabia, Advocate  
for respondent Nos. 1, 2 and 5.

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**RITU BAHRI, J. (Oral)**

**C.M. No. 9257-2018**

Application is allowed as prayed for.

Accordingly, Annexure P-18 is taken on record.

**C.W.P No. 4752-2016**

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of mandamus for directing the respondent to grant maternity leave to the petitioner for 180 days with pay, as is being granted to the employees working on regular basis.

The short question for consideration before this Court that the petitioner who was working on contract basis in the respondent-department is entitled to leave for 180 days with pay, as is being granted to employees working on regular basis.

On notice, a written statement has been filed on behalf of respondent nos. 1, 2 and 5 taking a stand that the services of the petitioner has been hired through SPIC, Chandigarh and her services are governed by specific Rules in respect of grant of maternity leave, wherein only a maternity leave to the extent of 12 weeks has been allowed. It has further been stated that the salary of the petitioner has been released amounting to Rs.69993/- for the period i.e 16.01.2016 to 08.04.2016.

Learned counsel for the petitioner has referred to instructions dated 30.01.2018 (Annexure P-18) whereby the Administration has decided to grant maternity leave of twenty six weeks with pay to female employees working on contract basis in various department of Chandigarh Administration, in terms of the Maternity Benefit (Amendment Act) 2017, subject to fulfillment of the conditions of the Maternity benefit Act, 1961.

Learned counsel appearing for respondent Nos. 1, 2 and 5 has not disputed the fact that now the Administration has decided to grant maternity leave of twenty six weeks with pay to female employees working on contract basis in various department of Chandigarh.

Keeping in view instructions dated 30.01.2018 (Annexure P-18), this petition at this stage is being disposed of by giving direction to the respondents to release the salary of remaining 14 weeks to the petitioner, within a period of four weeks from the date of receipt of certified copy of this order.

**(RITU BAHRI)**  
**JUDGE**

15.10.2018  
G Arora

**Whether speaking/reasoned**  
**Whether reportable**

**Yes**  
**No**