

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17414-2018

Date of Decision: July 09, 2019

Rashmi Sharma

... Petitioner

vs.

State of Punjab and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. A.P.Bhardari, Advocate, for the petitioner.

Ms. Ambika Bedi, A.A.G.Punjab.

ARUN MONGA, J.(ORAL)

Prayer in this petition is for quashing of orders dated 20.02.2018 (Annexure P-4), 14.03.2018 (Annexure P-7) and 23.04.2018 (Annexure P-8) as the same are stated to be against the provisions of the Maternity Benefit Act, 1961.

2. In the present case, notice of motion was issued on 19.07.2018.
3. Despite ample opportunity granted to the respondents, no return has been filed.
4. In any case, in view of the provisions contained in the Maternity Benefit Act, *ibid* and the Rules framed thereunder, I find that the denial of pay to the petitioner during maternity leave vide impugned order dated 23.04.2018 (Annexure P-8) does not stand judicial scrutiny. No reason has been assigned to the petitioner for denial of pay during maternity leave in the said impugned order. The language of order clearly reflects that the maternity leave has been granted to the petitioner without pay with effect from 27.02.2018 to 29.05.2018. Once it is established that the leave

granted to the petitioner was on maternity grounds, the denial of pay during the said period is clearly in violation of the benefits to be accorded on account of maternity leave under the Act, *ibid* read with the Rules thereof.

5. In the premise, the impugned order dated 23.04.2018 (Annexure P-8) is set aside with a direction to the respondents to calculate the arrears of salary for the period of maternity leave granted to the petitioner and pay the same alongwith interest @ 8% per annum with effect from the date of entitlement till the actual date of disbursement.

6. Let the needful be done within a period of three months from the date of receipt of certified copy of this order.

7. Disposed of in above terms.

July 09, 2019
smriti

(ARUN MONGA)
JUDGE

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