

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

CWP No.14721 of 2020 (O&M)

Date of decision: 17.09.2020

Deepika and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Rajat Mor, Advocate for the petitioners.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioner Deepika and 14 others working as Guest Faculty on contractual basis in different Polytechnic institutions in the State of Haryana have approached this Court by way of filing the present writ petition against the respondents i.e. State of Haryana and 13 others, craving for issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of maternity leave with pay/salary to the petitioners for a period of six months in view of the relevant provisions in the Maternity Benefit Act, 1961 as amended by the Maternity Benefit (Amendment) Act 2017, Haryana Civil Services (Leave) Rules, 2016 and in view of judgments passed by this Court and the Apex Court.

The petitioners are relying upon judgment delivered by the Apex Court in case **Municipal Corporation of Delhi Vs. Female Workers (Muster Roll) & Anr.**, in Special Leave Petition (Civil) 12797 of 1998, copy of that judgment being attached with the petition as

Annexure P14 and judgment passed by this Court in case Anima Goel Vs. Haryana State Agricultural 2008(1) SLJ 121 P H and Dr. Shanti Mehra Vs. State of Uttarakhand & Ors. in Writ Petition No.99 of 2015.

Notice of motion.

Mr. Rajneesh Chadwal, AAG, Haryana, accepts notice on behalf of respondent-State.

Keeping in view the facts and circumstances of the case and in order to avoid unnecessary litigation between the parties, I find it proper and appropriate to allow an opportunity to the respondent/State to consider such prayer made by the petitioners in accordance with Rules, Regulations and settled law on the subject and then to take necessary action, which is so warranted. Accordingly, the present writ petition is disposed of, directing the respondents No.1 and 2 to consider the request of the petitioners and take necessary action in the matter, within a period of one month from the date of receipt of certified copy of the order. However, since the petition is not being decided on merits, it shall be open to the petitioners to seek their legal remedy including approaching this Court again as per law, if they still feel aggrieved after disposal of their claim by the respondents.

17.09.2020

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(H.S. MADAAN)
JUDGE

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