

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

CWP-3517-2021

Date of Decision: 15.02.2021.

Jaswinder Kaur and others

...Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present: - Mr. Anoop Singla, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Petitioners seek issuance of a writ in the nature of mandamus, directing the respondents to release benefits/salary for the period of maternity leave availed by them along with interest @ 12% from the date of sanction of the maternity leave till realization, inter alia, relying on Rule 8.127(a) Volume –I of Punjab Civil Services Rules.

Learned counsel for the petitioners submits that contractual/guest lecturers/employees are entitled to maternity leave and benefits. In this regard, he places reliance on a decision rendered by this Court in *CWP-7452-2004* titled *Renuka Bajaj Vs. State of Punjab and another* against which SLP filed by the State bearing *No.22091 of 2005* was dismissed by the Apex Court. The ratio rendered by this Court in *CWP-7452-2004* has thus attained finality.

In this background letter/notification dated 22.5.2020 (Annexure P-4) has been issued by the State of Punjab, which reads as below: -

“Subject: - For grant of benefits of Maternity Leave to Guest Faculty Lecturers working in the Govt. Colleges.

With respect to above mentioned subject, the Guest Faculty Lecturers working in government colleges are

entitled to for the benefits of Maternity leave as detailed in subject.

2. The Guest Faculty Lecturers shall be entitled for Maternity Leave under the Maternity Benefits Act, 1961 (for a maximum period of 180 days).

3. During the maternity leave period the Guest Faculty Lecturer shall be entitled for the pay as applicable. The pay shall be released from PTA funds.

4. As the Guest faculty Lecturer are dealt with by the PTA committee of concerned college by President-cum-Principal to deal with maternity leave and he/she shall have to manage accordingly keeping in mind the education of the students.

5. In case of prevailing circumstances during the leave period of a concerned lecturer, if some other lecturer is engaged on temporary basis then he/she shall be entitled for per period pay (as per rules), which shall not be more than 11,600/- and shall be paid from PTA funds of college.

6. Orders shall be applicable from the date of issuance of this letter.

7. Above recommendations are made in calculation with the labour department.

Sd/-

Special Secretary, Higher Education”

Apart from the letter/notification (Supra) even relevant maternity Rule 8.127(a) Volume-I, Part-I of Punjab Civil Services Rules also envisages that all temporary/contractual/guest faculty lecturers working in the colleges are entitled to maternity leave. Petitioner No.1& 3 herein are Guest Faculty Lecturers and have been working uninterruptedly since 17.8.2013 & 19.7.2014, respectively and attending the college every day. While petitioner No.2 is though working as a Library Attendant on contractual basis but has been working since 23.6.2015 without any break in service. Accordingly, all three of them are entitled to maternity leave as per letter/notification (Annexure P-4) read with Rule 8.127(a) *ibid*.

On query of the Court, learned State counsel does not dispute that the aforesaid letter/notification (Annexure P-4) has indeed been issued, which is in operation and has not been withdrawn.

That being the position, the writ petition is disposed of with the direction to the official respondents to pass an appropriate order, within a period

of two months, after verifying leave records of the petitioners as maintained by the management of the College and accord them all permissible benefits including their salary for the period when they were unable to attend the college on account of maternity leave.

15.02.2021

Vivek

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No

(ARUN MONGA)
JUDGE