

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

**CWP No.11657 of 2019 (O&M)
Date of Decision:04.03.2021**

Deepika

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Dalbir Singh, Advocate for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Counsel states that the writ petition has been rendered infructuous.

It may be seen that instant petition was filed raising a grievance that the respondent-college was not granting maternity leave to the petitioner on the ground that the same is not admissible to ad hoc employees.

Petition had come up for preliminary hearing before this Court on 03.05.2019 and the following order was passed:-

Learned counsel submits that the petitioner had worked as Extension Lecturer/Assistant Professor in the subject of English in respondent-College during session 2014-2015 and 2015-16, as per experience certificate (P-1). The petitioner then applied for maternity leave vide Annexure P-5 colly on 08.08.2016. The

petitioner sought extension of maternity leave vide Annexure P-7. Subsequently the petitioner gave birth to a baby on 15.12.2016 (P-8).

The grievance of the petitioner before this Court is that the respondent-College is not granting maternity leave to the petitioner on the ground that the same is not admissible to adhoc employees and further the respondent-College is not allowing the petitioner to rejoin despite the fact that the post is still available in the college, as stated in para No. 7 of the petition.

*Learned counsel for the petitioner is relying upon judgment of Hon'ble Apex Court in a case of **Rattan Lal and others vs. State of Haryana and others, 1987 AIR (SC) 478** (Annexure P-15) and judgment of this Court in a case of **Raj Bala vs. State of haryana, 2002 (5) SLR 557** (Annexure P-16) to contend that contractual employees are also entitled for grant of maternity leave as granted to the regular employees.*

Notice of motion for 22.10.2019.

On asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of the State. Learned counsel for the petitioner shall supply copy of the petition to learned State counsel by today itself.

In the meantime, petitioner be granted maternity leave, as sought by her, vide application (Annexure P-5 and P-7) and further respondent-College shall allow the petitioner to rejoin on

the post of Extension Lecturer (English), which is lying vacant.”

Apparently by virtue of the interim order dated 03.05.2019 passed by the Co-ordinate Bench, the main relief itself had been allowed.

Writ petition disposed of as infructuous but with the observations that the issue raised in the instant petition has not been finally dealt with and is left open.

Pending application(s), if any, shall also stands disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

04.03.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No