

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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**CM-793-LPA-2020 &
CM-794-LPA-2020 &
LPA-291-2020**

Date of Decision: October 12, 2022

RAJ KIRAN KAUR

...APPELLANT

Versus

DISTRICT AND SESSIONS JUDGE, JALLANDHAR

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

**Present: Mr. Sunil Kumar Bhardwaj, Advocate,
for the appellant.**

**Mr. Vishnav Gandhi, DAG, Punjab,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-793-LPA-2020

Prayer in this application is for condonation of delay of 44 days
in filing the appeal.

For the reasons mentioned in the application, which is duly
supported by the affidavit of the applicant-appellant, the same is allowed.
Delay of 44 days in filing the appeal stands condoned.

CM-794-LPA-2020

Prayer in this application is for condonation of delay of 24 days
in re-filing the appeal.

For the reasons mentioned in the application, which is duly
supported by the affidavit of the counsel for the applicant-appellant, the

same is allowed. Delay of 24 days in re-filing the appeal stands condoned.

LPA-291-2020

Challenge in this appeal is to the judgment passed by the learned Single Judge dated 19.08.2019, whereby the writ petition preferred by the appellant (petitioner therein) challenging her order of termination dated 05.03.2019 (Annexure P-7), after few days of her appointment on 15.02.2019 (Annexure P-5), on the ground that the ad-hoc and contractual employees are not entitled to the benefit of grant of maternity leave, stands dismissed.

Learned counsel for the appellant contends that as per Rule 8.127 (a), Volume 1 Part 1 of the Punjab Civil Service Rules, the appellant would be entitled to the said benefit.

This contention of the counsel for the appellant cannot be accepted in the light of the fact that the said rules are only applicable to the employees who are on the cadre of the Government. Since the appellant was not a part of the cadre, she would not be entitled to the benefit of the said rules. The order, as passed by the learned Single Judge, therefore, cannot be faulted with.

The present appeal, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

October 12, 2022

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No