

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

**RSA-1090 of 1993 (O&M)
Date of Order: 28.08.2023**

State of Punjab

.Appellant

Versus

Parveen Lata

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajit Singh Natt, AAG, Punjab.

ANIL KSHETARPAL, J

1. The correctness of the concurrent findings of fact arrived at by the court below is assailed by the defendant in this second appeal.

2. The plaintiff filed an application for sanction of leave for a period of 42 days as she underwent abortion and was advised bed rest. Her application was rejected on the ground that the application has not been submitted in accordance with the rules and the period of bed rest has not been specified by the doctor. Forced by the circumstances, she filed the present suit which has been decreed by both the courts below.

3. It has been found that the respondent was entitled to leave with full pay under Rule 8.137 (A)(i) Note-2 of the Punjab Civil Service Rules Volume-1, Part-1.

4. This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paper book.

5. It is evident that the competent authority ought to have taken a holistic view of the matter while considering the respondent's request for sanction of the leave with pay for a period of 42 days. The rules of

procedure are handmaids of justice and the procedural rule cannot be permitted to over shadow the substantive provision. It is not in dispute that a female employee is entitled to grant of leave with pay if she has to undergo abortion. In these circumstances, the competent authority while rejecting the respondent's application for grant of leave has adopted a very narrow approach.

- 6. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
- 7. Dismissed.
- 8. All the pending miscellaneous applications, if any, are also disposed of.

August 28, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO