

CWP-17272-2024

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

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CWP-17272-2024

Date of Decision :25.07.2024

Tania Grover

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sarthak Gupta, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

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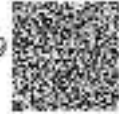
Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance raised by the petitioner is that the petitioner, who is working with the respondent-department had applied for the grant of benefit of maternity leave under the Maternity Benefits Act, 1961 as amended time to time, which benefit has been denied by the respondents vide order dated 19.07.2024 (Annexure P/4).

Learned counsel for the petitioner submits that the maternity leave being availed by her is being treated as absence from duty so as to terminate the services of the petitioner, which action of the respondents is totally arbitrary and illegal and rather amounts to denying the petitioner benefit of maternity leave as admissible to her under law.

Notice of motion.

Mr. Swapan Shorey, DAG, Punjab accepts notice on behalf of the respondents and submits that keeping in view the instructions received, the impugned order dated 19.07.2024 (Annexure P/4) be treated as withdrawn with liberty to the respondents to pass a fresh order qua the claim of the

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petitioner for the grant of benefit of maternity leave, which will be considered as per the rules governing the service, coupled with the settled principle of law on the said issue.

Learned counsel for the petitioner submits that as the impugned order dated 19.07.2024 (Annexure P/4) has been withdrawn, present petition may kindly be disposed of having been rendered infructuous but submits that the petitioner be allowed the benefit of maternity leave as she has no option keeping in view her medical status.

As prayed for, seven days time is granted to the respondents to pass a fresh order qua the claim of the petitioner for the grant of benefit of maternity leave and in case, no such order is passed by the respondents within a time frame granted, the petitioner, who is seeking maternity leave will be free to avail maternity leave even without any order passed by the authority concerned for which, no coercive action will be taken against her by the respondents.

Before parting with the order, it may be noticed that qua paragraphs No.10 and 11 of the appointment order dated 15.06.2023 (Annexure P/1) those terms will apply where there is intentional absence from duty without any valid cause and not where an employee is entitled and availing benefit of maternity leave.

Present petition stands disposed of in above terms.

July 25, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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