



CWP-29176-2024(O&M)

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

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CWP-29176-2024(O&M)

Date of Decision: 11.11.2024

SHILPY SHARMA

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Ashwani Kumar, Advocate for the petitioner.

TRIBHUVAN DAHIYA, J. (Oral)**CM-18401-CWP-2024**

Application is allowed.

Policies dated 09.12.2019, 29.09.2023 and 20.05.2016, are taken on record as Annexures P-19 to P-21 respectively, subject to all just exceptions.

Main case

This petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to grant the benefit of maternity leave of one hundred eighty days to the petitioner with full remuneration.

2. Learned counsel for the petitioner has submitted that petitioner joined as Guest Lecturer on contract basis in the Government Polytechnic College on 22.10.2018. At that time she already had one child, the second one was born on 26.02.2022. Now, she has given birth to her third child on 07.08.2024. On that account she applied for maternity leave vide application dated 09.07.2024, Annexure P-5. The same has been rejected vide memo dated 09.09.2024, Annexure P-9, on the ground that as per guidelines dated



22.12.2022, maternity leave for third child cannot be granted. The rejection is arbitrary since in terms of policy, dated 20.05.2016, the Government has been giving benefit of maternity leave for birth of children beyond the second child as well. And a similarly placed contractual employee was accordingly given maternity leave vide office order dated 23.05.2023, Annexure P-11, passed by the Director, Higher Education. At this stage, the petitioner will be satisfied in case the third respondent is directed to decide her pending representation, dated 09.07.2024, Annexure P-5, in a specified period.

3. Notice of motion.
4. Ms. Tanushree Gupta, DAG, Haryana, accepts notice and submits that the pending representation shall be decided by the third respondent expeditiously.
5. In view thereof, without going into merits of the case, the petition is disposed of with a direction to the third respondent/Director General, Technical Education, to consider and decide the pending representation, dated 09.07.2024, by passing a speaking order in accordance with law, within eight weeks of receiving a certified copy of this order.
6. In case the order is not passed within the stipulated period, the officer concerned shall pay costs of ₹50,000 to the petitioner.

(TRIBHUVAN DAHIYA)
JUDGE

11.11.2024
Ad

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