

Letter Commissioner

No.11/16/89-3FR-II
Government of Haryana
Finance Department
FR Branch

10913
25/5/16

(17)

Chandigarh, Dated, 20 May, 2016

To

All the Administrative Secretaries to Government of Haryana
All Heads of Departments
All Divisional Commissioners, Ambala, Hisar, Rohtak and Gurgaon Division
The Registrar, Punjab and Haryana High Court, Chandigarh
All the Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana State

LC
25.5.16

Subject: Grant of Maternity Leave to Women Government Employees.

Mr
Sir/Madam,

ALL (A)
25-5-16
I am directed to invite your attention to Finance Department instructions bearing No. 11/16/89-1FR-II dated 25.09.1992 on the subject noted above.

Sw 24.

2 Note 4 of Rule 8.127 of the Punjab Civil Services Rules Volume I Part I restricts grant of benefit of maternity leave to the birth of two living children. After considering the Law laid down by the Supreme Court in the case of "Javed and others Vs State of Haryana and others (2003) 8SCC 369" and "Air India and others Vs Nergesh Meerza and others (1981) 4SCC335" and the provisions of Maternity Benefit Act, 1961, the High Court allowed CWP No. 4229 of 2011 "Ruksana Vs State of Haryana", by holding that the Petitioner is entitled to the payment of salary as maternity leave benefit as envisaged under Section 5 of the Maternity Benefit Act read with Rule 8.127 of the Punjab Civil Services Rules Volume I Part I without making any reference to Note 4 appended thereunder.

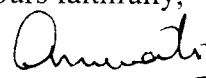
3. Many other writ petitions have been disposed of by the Punjab and Haryana High Court in the same term. Therefore, it was decided to extend the benefit of judgment dated 21.4.2011 of Punjab and Haryana High court in CWP No.4229 of 2011 "Ruksana V State of Haryana" to all women employees of the Haryana Government.

4 This change has been incorporated in the revised Draft Haryana Civil Services (Leaves) Rules 2016, approved by the Council of Ministers in the month of March 2016. The Draft Rules are awaiting legal vetting by the Legal Remembrancer and Secretary to Government of Haryana, Law and Legislative Department.

5 Considering the fact that some woman employees are waiting to avail this benefit and because such matters are coming up as CWPs before the High Court, the benefit of six months maternity leave for the birth of children beyond the second child be extended without waiting for the approval of the Finance department on case to case basis.

6 A copy of these orders is also available on the website which can be downloaded from the site www.finhry.gov.in.

Yours faithfully,



Superintendent (FR)

for Additional Chief Secretary to Government of Haryana,
Finance Department.

No.11/16/89-3FR-II

Dated: Chandigarh, the 20 May, 2015

A copy if forwarded to the following for information and action where necessary:-

1. Principal Accountant General Haryana (A&E), and Audit.
2. Home Secretary, Union Territory, Chandigarh.



Superintendent (FR)

for Additional Chief Secretary to Government of Haryana,
Finance Department.