
(2006) 11 P&H CK 0052
In the Punjab And Haryana At Chandigarh

Anima Goel Ms.

APPELLANT

Vs

Haryana State Agricultural Marketing Board

RESPONDENT

Date of Decision : 17-11-2006

Acts Referred:

Maternity Benefits Act, 1961 — Section 5

Citation : (2007) 112 FLR 1134 : (2007) 3 LLJ 64 : (2008) 1 SLJ 121

Hon'ble Judges : S.N. Aggarwal, J;M.M. Kumar, J

Bench : Division Bench

Final Decision : Allowed

Judgement

M.M. Kumar, J.—The instant petition is directed against orders dated September 5, 2001 (Annexure P-4), April 8, 2002 (Annexure-P-6) and September 22, 2003 (Annexure P-10), declining the request of the petitioner to grant her the benefit of maternity leave. It is undisputed that the petitioner has been working as a Data Entry Operator with the respondent. Initially, she was employed on daily wage basis w.e.f. September 1, 1995. Thereafter, w.e.f December 1, 1995, she became a contractual employee. The petitioner has placed reliance on Section 5 of the Maternity Benefit Act, 1961 and has submitted that she is entitled to the maternity leave benefit. The aforementioned fact that she has been working with the respondent on daily wage basis and contractual basis has remained undisputed. However, the request made by the petitioner has been rejected by the aforementioned orders Annexures P-4, P-6 and P-10.

2. The issue raised in the instant petition as to whether the petitioner is entitled to the benefit of Section 5 of the Maternity Benefit Act, 1901 has already been decided by the Hon''ble Supreme Court in the case of Municipal Corporation of Delhi v. Female Workers (muster, Roll) and Anr. The aforementioned view has been followed by this Court in the case of Smt. Vandana Sharma and Anr. v. State of Haryana and Ors. C.W.P. No. 5518/2002, decided on April 11, 2002 and other number of petitions. Therefore, the writ petition deserves to be allowed.

3. In view of the above, the writ petition succeeds and the orders dated September 5, 2001 (Annexure P-4), April 8, 2001 (Annexure P-6) and September 22, 2003 (Annexure P-10) are hereby quashed. The respondent, is directed to extend the benefit of maternity leave to the petitioner within a period of two months from the date of receipt of a certified copy of this order. A copy of the order be given dasti on payment of usual charges.