



CWP-9518-2025

**120 IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**CWP-9518-2025
Decided on:20.05.2025

Suman Kumari Petitioner

versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYAPresent: Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Parveen Mehta, Deputy Advocate General, Haryana.

Tribhuvan Dahiya, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing of the impugned order dated 05.03.2025, Annexure P-4, whereby the second respondent has ordered recovery of remuneration granted to the petitioner during maternity leave from 21.11.2022 to 15.12.2022 (25 days) and 28.03.2023 to 16.04.2023 (20 days), on the plea that it was wrongly sanctioned.

2. Learned State counsel has received instructions from the respondent-Department vide memo dated 08.05.2025, which is taken on record, along with the attached documents, as Annexure 'A'. On that basis, he has contended that, as per the guidelines dated 14.12.2022, framed by the Technical Education Department, Annexure R-8, woman Guest Faculty is entitled to maternity leave for a maximum period of six months. The benefit is admissible only for two living children. Learned State counsel does not dispute that the petitioner, who is working as Guest Faculty in the Department, was sanctioned maternity leave for the aforementioned period, which was availed by her, and she re-joined services thereafter.



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3. It is also not the case that the sanctioned leave was obtained by her by resorting to misrepresentation. In case, as per the guidelines dated 14.12.2022, the petitioner was entitled to maternity leave only for two living children and the same was inadvertently granted for third child, she could not be blamed for the same. The lapse, if any, is on the part of the Department or its Officers/Officials, who sanctioned the leave.

4. In these circumstances, it is unreasonable and arbitrary to effect recovery of the remuneration paid to the petitioner for the leave duly sanctioned, that too after more than two years of availing the leave. The impugned order dated 25.03.2025 is, accordingly, set aside leaving it open to the respondents to effect recovery of the amount of remuneration paid to the petitioner from the officer and/or official responsible for the lapse. The petitioner shall be paid salary regularly. In case any amount/recovery has already been effected from her salary on this account, the same shall be refunded to her within a period of four weeks from today.

5. The petition stands allowed in the aforementioned terms.w

20.05.2025
sonia

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No