



CWP-23281-2014 -1-

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

1511 CWP-23281-2014 (O & M)  
Date of decision: 15.07.2025

Rajinder Kaur ....Petitioner

Versus

State of Punjab and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

**AMAN CHAUDHARY, J. (ORAL)**

1. The averments made in the present petition reveals that the petitioner, who on 28.11.2008, joined the Department as HRD Specialist in District Programme Management Cell, Hoshiarpur, on contract basis, was though sanctioned 92 days of aforesaid leave but without pay.

2. The denial of her claim by way of impugned order dated 05.09.2014, Annexure P-6, based on the terms and conditions of the appointment letter, entitling her only to the consolidated pay and nothing more, is misconceived.

3. It would be apposite to refer Section 27 of the Maternity Benefit Act (in short, 'the Act'), which reads thus:

**"27. Effect of laws and agreements inconsistent with this Act -**

(1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Act: Provided that where under any such award, agreement,

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contract of service or otherwise, a woman is entitled to benefits in respect of any matter which are more favourable to her than those to which she would be entitled under this Act, the woman shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that she is entitled to receive benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude a woman from entering into an agreement with her employer for granting her rights or privileges in respect of any matter which are more favourable to her than those to which she would be entitled under this Act."

4. A gainful reference can also be made to **Municipal Corporation of Delhi vs. Female Workers (Muster Roll) and another** (2000) 3 SCC 244, it has held that the Maternity Benefit Act covers contract workers, including those employed on daily wages.

5. In **Dr. Kavita Yadav vs. The Secretary, Ministry of Health and Family Welfare Department and others**, (2024) 1 SCC 421 wherein it has held that even fixed-term employees would be entitled to full maternity benefits under Section 5 of the Maternity Benefit Act, 1961 beyond their contractual tenure.

6. The Maternity Benefit Act, 1961, is a beneficial piece of legislation designed to safeguard the rights of working women during pregnancy and motherhood enacted in consonance with the Articles 39 and 42 of the Constitution of India. To discriminate between them, on the premise of the nature of their engagement/appointment, it being regular or contract, would be violative of Article 14 of the Constitution of India whereby equality before the law and equal protection of laws is ensured.

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7. In an overall conspectus, the present petition is allowed and the impugned order is hereby set aside to the extent it denies pay for the period of maternity leave. As a corollary, the respondents are directed to release the pay to the petitioner w.e.f. 01.08.2013 to 31.10.2013, within a period of four months.

8. Copy of the order be sent to the petitioner.

15.07.2025  
parveen kumar

**(AMAN CHAUDHARY)**  
**JUDGE**

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