

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR  
(THROUGH VIRTUAL MODE)**

**CJ Court**

Case: LPA No.13/2024 in  
WP(C) No.3404/2023  
Caveat No.147/2024

Qazi Ishrat Shamas and another .....Appellant/Petitioner(s)

Through :- Mr. Qazir Raashid Shamas, Advocate  
v/s

Jammu and Kashmir Bank Limited and .....Respondent(s)  
others

Through :- Mr. Adil Asimi, Advocate.

**CORAM: HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE M.A. CHOWDHARY, JUDGE**

**ORDER**  
**31.01.2024**

**Caveat No.147/2024**

With the appearance of Mr. Adil Asimi, Advocate, the caveat stands discharged.

**LPA No.13/2024**

- 01.** Issue notice to the respondents.
- 02.** Mr. Adil Asimi, Advocate accepts notice on behalf of the respondents.
- 03.** It has been submitted by learned counsel for the appellants that in a similarly situated case relating to Jaspreet Kour, she has been allowed to take part in the interview. However, learned counsel for the respondents submits that the case of the Jaspreet Kour is different, inasmuch as, she had immediately raised objections about the delayed regularization.

**04.** On the other hand, it has been submitted by learned counsel for the appellants that delayed regularization was contrary to the statutory mandate under Section 12 (1) of the *Maternity Benefit Act, 1961* which provides that when a woman absents herself from work in accordance with the provisions of this Act, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the condition of her service.

**05.** We will examine the contention of learned counsel for the appellants that delayed regularization was made in contravention of the statutory provisions of Section 12(1) of the *Maternity Benefit Act, 1961*.

**06.** Accordingly, the appellants may be permitted to take part in the interview which is being conducted presently by the Bank authorities for promotion to the post of Assistant Manager as per policy for promotion of workmen (Banking Associates, Assistant Banking Associates & Banking Attendants) which came into effect from 23.10.2019, however, result of the appellants may not be declared without the leave of this Court.

**07.** It has been stated that the process of consideration is over so far as the employees in Srinagar are concerned, and it has been prayed that the appellants may be allowed to proceed to Jammu to face the interview at Jammu on their own costs and arrangements in Jammu where the interview is stated to be going on. The authorities concerned shall allow the appellants to participate in the interview in Jammu in terms of the above prayer of the appellants.

**08.** Since the writ petition was disposed of at the motion stage, respondents shall be at liberty to file their detailed objections to the averments made in this appeal by or before the next date of hearing.

**09.** List on 12.02.2024.

**(M.A. CHOWDHARY)  
JUDGE**

**(N. KOTISWAR SINGH)  
CHIEF JUSTICE**

JAMMU  
31.01.2024  
*Abinash*

