

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No.:-WP(C) No. 3509/2025

Dr. Sonakshi Gupta and ors.

.... **Petitioner(s)**

Through:- Mr. Abhinav Jamwal, Advocate.
V/s

UT of J&K and ors.

.....**Respondent(s)**

Through:-

CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER
10.12.2025

1. The petitioners herein claim to have been appointed as Registrars/Senior Residents/Tutors in various Government Medical Colleges and have in the instant petition questioned Communication No. ME-GEN/187/2025-01 dated 14.10.2025 issued by the respondent 1, in terms whereof, on the basis of an advice rendered by the Finance Department, it has been directed that the Senior Residents/Tutors (Non-PSL) shall not be entitled to pay and allowances during maternity leave, consequently directing Principles of all Government Medical Colleges to take necessary actions.

It is the positive case of the petitioners that pursuant to the impugned Communication dated 14.10.2025, those amongst them who had availed maternity leave and were paid salary for such period, are now being denied salary during the extended period of residency corresponding to the maternity leave period and those of the petitioners, who are presently availing maternity leave have been denied salary w.e.f. 14.10.2025.

It is the further case of the petitioners that the respondent 1 herein vide Government Order dated 08.07.2024 has categorically provided that the maternity leave for Senior Residents/Tutors shall be governed by the existing “Government Rules and Regulations”, which includes Rule 41 of the Jammu and Kashmir Civil Services (Leave) Rules, 1979 mandating paid maternity leave and that once such statutory entitlement has been adopted for Senior Residents/Tutors, the same could not be varied in the manner it is being sought by the respondents against the petitioners herein.

Heard learned counsel for the petitioner and perused the record.

2. *Prima-facie*, the impugned Communication dated 14.10.2025 appears to be contrary to Government Order dated 08.07.2024 read with Rule 41 of the Rules of 1979, In this view of the matter, the Court is of the opinion, at this stage, that the instant writ petition raises substantial and arguable questions requiring consideration, more so, in view of the assertion of the petitioners that several petitioners have already resumed their duties and are performing the same during the extended period, yet their salary has been stopped by the respondents including others, who are presently on maternity leave or are due to proceed on such leave. The balance of convenience, also tilts in favour of the petitioners herein requiring the respondents to continue to pay salary to such petitioners.
3. List again on **30.01.2026**.
4. Meanwhile, subject to objections and till next date of hearing, the operation of the impugned Communication No. ME-GEN/187/2025-01 dated 14.10.2025 issued by the respondent 1 shall stay and the

respondents shall release the salary of the petitioners for undergoing the extended period of residency corresponding to their maternity leave period salary as well as the salary of those petitioners, who have availed or are due to avail such maternity leave, subject to the furnishing of an undertaking by the petitioners before the Registrar Judicial of this Court to the effect that in the event, the petitioners fail in the petition, they shall reimburse such salary.

5. Alteration/modification/vacation on motion.

(JAVED IQBAL WANI)
JUDGE

JAMMU
10.12.2025
Ram Krishan

