

Regular List
Serial No. 02

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

WP(C) No. 3509/2025  
CM No. 7992/2025  
CM No. 1805/2026

Sonakshi Gupta & Ors.

.....Petitioners

Through: Mr. Abhinav Jamwal, Advocate.

**Vs**

UT of J&K & Ors.

.....Respondents

Through: Mr. Raman Sharma, AAG with  
Ms. Saliqa Sheikh, Assisting Counsel.

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**  
**(21.04.2026)**

- 01.** Heard both sides at length.
- 02.** This case involves interpretation of **Govt. Order No. 451-JK (HME) of 2024** dated **08.07.2024** vis-à-vis **SRO 353 of 2015** with respect to claim of a tenure post holder, being a woman, availing maternity leave during her tenure posting and for that reckoning herself entitled to leave salary equal to the pay drawn immediately before proceeding on maternity leave.
- 03.** The cause of action for the petitioners to come up with the present writ petition is a communication No. **ME-GEN /187/2025-01 (E: 7642802)** dated **14.10.2025** wherein on the basis of the clarification tendered by the Finance Department, vide

**U.O.** dated **18.09.2025**, the Health & Medical Education Department, Govt. of UT of J&K has come up with a position that entitlement to pay and allowances during the period of maternity/paternity leave shall not be allowed on account of the fact that a given tenure post holder availing maternity/paternity leave is not executing her/his assignment/course during such period of absence, although reserved with the right of completing the tenure posting later with full entitlement to earn salary for the extended period of tenure post serving concurrent with the maternity/paternity leave period availed.

**04.** Therefore, this Court directs Mr. Raman Sharma, learned AAG to come up with the requisite record file on the basis whereof the Health & Medical Education Department solicited the clarification from the Finance Department and the Finance Department came forward with the requisite clarifications.

**05.** Let requisite record be ensured available on the next date of hearing.

**06.** List on **06.05.2026**.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**21.04.2026**

*Bunty*