

No. 11/43/2017-3FR/12708

**Government of Haryana  
Finance Department  
Finance Regulation Branch**

**Dated Chandigarh, the 29 May, 2019**

To

All the Administrative Secretaries to Government of Haryana  
All the Heads of Departments,  
All the Heads of Boards/Corporations/Universities under Haryana Govt.  
All the Divisional Commissioners of Haryana,  
The Registrar, Punjab and Haryana High Court, Chandigarh  
All the Deputy Commissioners and Sub Divisional Officers (Civil) in the State.

**Subject: Grant of Maternity Leave to Commissioning Mother and Surrogate Mother.**

Sir/Madam,

I am directed to invite your attention on the subject noted above and to say that there is no provision in the rules/instructions for grant of maternity leave to female employees who took recourse to the surrogacy route for procreating a child. Now in writ petition No. 844 of 2018 in Hon'ble High Court of Delhi filed by Ms. Rama Pandey, Teacher, Kendriya Vidyalaya Vs. Union of India and Others, Hon'ble High Court has decided that a female employee who is the commissioning mother would also be entitled for maternity leave. Accordingly, Govt. of India has taken a policy decision vide their instructions No.13018/6/2013-Estt.(L), dated 29<sup>th</sup> January, 2018. Therefore, it has been decided by Government that the maternity leave will now be admissible to the commissioning mother, i.e. the female employee who engages the services of another female to conceive a child with or without the genetic material being supplied by her and/or her male partner, and also to the surrogate mother i.e. the female employee who bears a child on behalf of another woman either from her own egg fertilized by the other woman's partner or from the implantation in her uterus of a fertilized egg from the other woman, on the same terms and conditions as prescribed for Maternity Leave admissible to a female employee who conceives and carries the child.

2. The competent authority based on material placed before it would decide on the timing and the period for which maternity leave ought to be granted to a commissioning mother who adopts the surrogacy route.

3. The scrutiny would be keener and detailed when leave is sought by a female employee who is the commissioning mother, of the pre-natal stage. In case maternity leave is declined at the pre-natal stage, the competent authority would pass a reasoned order having regard to the material, if any, placed before it by the female employee who seeks to avail maternity leave.

4. In a situation where both the commissioning mother and the surrogate mother are employees, who are otherwise eligible for maternity leave (one on the ground that she is a commissioning mother and the another on the ground that she is the pregnant woman) a suitable adjustment regarding grant of maternity leave at the same time or otherwise would be made by the competent authority.

5. In so far as grant of leave qua post-natal period is concerned, the competent authority would ordinarily grant such leave except where there are substantial reasons for declining a request made in that behalf. In this case as well, the competent authority will pass a reasoned order.

6. The competent authority for this purpose of grant of maternity leave would be the Head of Department. This decision shall be applicable with immediate effect. This may please be brought to the notice of all concerned.

Yours faithfully,


  
Deputy Secretary Finance  
for Additional Chief Secretary to Government of Haryana,  
Finance Department. ✓

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A copy is forwarded to the following for information and action where necessary:-

1. Principal Accountant General Haryana (A&E), and Audit.
2. Home Secretary, Union Territory, Chandigarh.

  
Deputy Secretary Finance  
for Additional Chief Secretary to Government of Haryana,  
Finance Department. ✓

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