

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5266 of 2017

Roshani Gavel W/o Shri Ravindra Bagde, Aged About 34 Years Occupation Demonstrator (Contractual), C I M S, Bilaspur, R/o Trimurty Bhawan Nagdone Colony, Vyapar Vihar Road, Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, New Mantralaya, New Raipur Chhattisgarh.
2. The Secretary, Department Of Finance, New Mantralaya, New Raipur Chhattisgarh.
3. The Director, Medical Education, New Raipur Chhattisgarh.
4. The D E A N, Chhattisgarh Institute Of Medical Sciences, Bilaspur Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Rahul Tamaskar, Advocate.
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/10/2017

Heard on admission.

1. The petitioner has filed this petition seeking a direction for extending the benefit of maternity leave.
2. Learned counsel for the petitioner submits that the legal position has been settled by the order of this Court in the case of **Devshree Bandhe Vs. Chhattisgarh State Power Holding Company Limited and others (WPS No.101 of 2017)** and the benefit of the same is being extended to those who are approaching this Court for similar direction. One Dr. Vijay Laxmi Chandra, contractual employee, had also approached this Court and order was passed in her favour on 26.07.2017.

3. Once the legal position has been settled, the authorities are bound to grant maternity benefit in accordance with the direction issued in this case in the case of *Devshree Bandhe (supra)* and every contractual employee seeking maternity leave should not be driven to the Court for seeking individual order. This Court vide order dated 26.07.2017 passed in WPS No.3365 of 2017 had directed the Government to pass necessary circular but it appears that no such general directions have been issued which is resulting in denial of the benefit of maternity leave to contractual employee despite a clear judicial order.
4. It is made clear that the legal position having been settled, even contractual employee would be entitled to maternity leave on 180 days. Therefore, the petitioner shall be entitled to maternity leave as a regular employee. Necessary order be passed by the respondent No.3 forthwith.
5. In view of the above, the petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E