

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6188 of 2017

Dr. Neha Choudhary W/o Shri Revtiranman Sahu, Aged About 35 Years Working As Ayush Medical Officer Officer, Primary Health Centre, Arjuni, Block Dongargarh, District Rajnandgaon Chhattisgarh R/o Village Palari, Tehsil Gurur, District Balod Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Department Of Health & Family Welfare, Mahanadi Bhawan, Mantralay, New Raipur District Raipur Chhattisgarh
2. Mission Director, National Health Mission, Indrawati Bhawan, Mantralay, New Raipur District Raipur Chhattisgarh
3. Director, Directorate Of Ayurveda, Yoga And Naturopathy, Unani, Siddha And Homeopathy (Ayush), Old Nurses Hostel, Near D K S Bhawan, Old Mantralay, Raipur District Raipur Chhattisgarh
4. Chief Medical & Health Officer, District Hospital Rajnandgaon, District Rajnandgaon Chhattisgarh
5. District Ayurved Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh
6. Block Medical Officer, Block Dongargaon, District Rajnandgaon Chhattisgarh

---- Respondents

Shri Ramesh Nayak, counsel for the petitioner/s.
Shri Avinash Singh, Panel Lawyer for the State/ respondents 1, 3, 4, 5 and 6.
Shri CJK Rao, counsel for respondent No.2

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/11/2017

Heard.

2. The only issue arising for consideration in this petition is whether a contractual employee is entitled to same period of maternity leave as a regular employee. This issue is no longer *res integra* in view of the order dated 27-02-2017 passed by this Court in the case of *Devshree Bandhe vs. Chhattisgarh State Power Holding*

Company Limited and others (WPS No.101/2017), wherein it has been clearly held that irrespective of the nature of employment, a lady employee would be entitled to 180 days of maternity leave, which is applicable to a regular employee. It is not in dispute, in view of the circular dated 25-05-2016 of the State Government that after amendment of Chhattisgarh Civil Services (Leave) Rules, 2010, maternity leave can be granted for a period of 180 days.

3. In the present case, the petitioner's application for grant of maternity leave of 180 days has been rejected only on the ground that she is a contractual employee. It is not tenable in the eye of law, in view of the recent pronouncement of this Court in the case of **Devshree Bandhe** (supra), the impugned order cannot be sustained and the same is hereby set aside. The petitioner would be entitled to maternity leave for a period of 180 days. This order may be placed by the petitioner before the respondent for necessary compliance.

4. In view of above, the petition is finally disposed off. It appears that despite authoritative pronouncement of this Court in the case of **Devshree Bandhe** (supra), in various government offices, distinction between a contractual employee and regular employee is being maintained in the matter of grant of maternity leave. Now, this has to be made clear and the State Government should pass appropriate circular to all the government departments/agencies/corporations and its instrumentalities that in view of the decision of this Court in the case of **Devshree Bandhe** (supra), contractual employee is also entitled to the same period of maternity leave as a regular employee.

Sd/-
(Manindra Mohan Shrivastava)
Judge