

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6691 of 2017

Dr. Neetu Soni W/o Shri Manoj Kumar Soni, Aged About 30 Years Working As A Ayush Medical Officer, Community Health Centre, Bodla, District Kabirdham, Chhattisgarh, R/o House No. W-88, Behind Balaji Hospital, Mowa Raipur, District Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. Director, Directorate Of Health Services, Indrawati Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
3. Mission Director, National Health Mission, Pandri, Raipur, District Raipur, Chhattisgarh
4. Chief Medical And Health Officer, District Hospital Kabirdham, District Kabirdham, Chhattisgarh
5. Block Medical Officer, Community Health Centre, Bodla, District Kabirdham, Chhattisgarh

---- Respondents

Shri D.Kushwaha, counsel for the petitioner/s.
Shri Satish Gupta, Govt. Advocate for the State.
Shri CJK Rao, counsel for respondent No.3.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/12/2017

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 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 order passed by 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.

Sd/-

(Manindra Mohan Shrivastava)
Judge