

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6085 of 2017

- Namita Tamrakar W/o Shri Sarvottam Tamrakar Aged About 35 Years Working As Accounts Assistant (District), Under Chief Medical And Health Officer, Durg District Hospital District Durg Chhattisgarh R/o House No. 121/3, Tamerpara, Durg, Civil And Revenue District Durg 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 Durg, District Durg Chhattisgarh.

---- Respondents

For petitioner	:	Mr. Ramesh Nayak, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer
For respondent No. 3	:	Mr. C. J. K. Rao, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

16/11/2017

Heard.

1. This petition has been filed by the petitioner being aggrieved by non consideration of her application for grant of maternity leave of 180 days.
2. Learned counsel for the petitioner submits that the petitioner is working at Ayush Medical Officer on contractual basis and in view of

decision of this Court in the case of Devshree Bandhe Vs. Chhattisgarh State Power Holding Company Ltd and Ors. (WPS No. 101/2017), the petitioner is entitled for grant of 180 days maternity leave, which is applicable to a regular employee.

3. Taking into consideration the submission made, this petition is finally disposed off with a direction to the respondents to consider petitioner's application for grant of maternity leave and pass appropriate order for grant of maternity leave in accordance with law laid down by this Court in the case of Devshree Bandhe (supra) within a period of two weeks from the date of receipt of copy of this order.

4. This Court is has taken notice of the fact that despite declaration of law in the matter of grant of maternity leave to contractual employees, petitions are being filed one after the other because the authorities at different levels have not received any general instruction. This Court in the case of Vijay Laxmi Chandra vs. State of Chhattisgarh (WPS No. 3365/2017) had directed the State Government to pass appropriate order to all the departments, agencies that in view of the decision of the Court in the case of Devshree bandhe Vs. Chhasttisgarh State Power Holding Company Ltd and Ors. (WPS No. 101/2017) contractual employees are also entitled to same period of maternity leave as regular employee. It appears that till date no steps have been taken. The State counsel shall duly communicate the concern of the Court in the present matter to the Chief Secretary of the State for taking necessary steps in the matter.

Sd/-

(Manindra Mohan Shrivastava)

Judge