

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6126 of 2017

- Dr. Pallavi Awasthi Shukla W/o Dr. Abhay Kumar Shukla, Aged About 29 Years Working As Dental Surgeon, Primary Health Centre, Bhaphauli, District Surguja Chhattisgarh, C/o Dr. Abhay Kumar Shukla, Near Shruti General Stores, Below B S N L Mobile Towar, Shivdhari Colony, Kedarpur, Ambikapur, Civil & Revenue District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health & Family Welfare, Mahanadi Bhawan, Mantralaya, New Raipur District Raipur (Chhattisgarh).
2. Director, Directorate Of Health Services, Indrawati Bhawan, Mantralay, New Raipur District Raipur (Chhattisgarh).
3. Mission Director, National Health Mission, Pandri, Raipur District Raipur (Chhattisgarh).
4. Chief Medical And Health Officer, Ambikapur, District Surguja Chhattisgarh
5. Block Medical Officer, Block Bhaphauli, District Surguja Chhattisgarh

---- Respondent

For Petitioner : Mr. Ramesh Nayak, Advocate.

For State : Mr. Avinash Singh, Panel Lawyer.

For Res. No. 3 : Mr. Harish Khuntiya, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

21/11/2017

1. The medical officer appointed and continuing in contratual capacity has approached this Court with a grievance that despite judicial pronouncement of this Court that even a contractual employee would be

entitled to the same period of maternity leave as the regular employee, the maternity leave of the petitioner is confined to only 90 days as against 180 days available for being availed by a regular employee.

2. This Court in the case of Devshree Bandhe Vs. Chhattisgarh State power holding company Ltd & ors. (WPS No. 101/2017) has clearly laid down the law. In subsequent orders in many other cases where this Court found that despite judicial pronouncement, orders are being passed contrary to legal position, directions were issued to Government to issue necessary circulars.

3. In these circumstances the order dated 13-09-2017 has to be quashed and is accordingly quashed. This petition is allowed. The respondent No. 4 is directed to grant 180 days of maternity leave to the petitioner by passing suitable orders.

Sd/-

(Manindra Mohan Shrivastava)

Judge