

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 6689 of 2017**

Kanta Thakur W/o Shri Chandrahaa, Aged About 29 Years At Present Posted AYush Medical Officer ( F ) ( B H M S ) At Block Gariyaband, District Gariyaband, Chhattisgarh, At Present Sanjay Nagar, Kanker District Kanker Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Medical And Health Services, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.
2. National Health Mission, Through The Mission Director, National Health Mission, Pandri, Raipur District Raipur Chhattisgarh
3. Mission Director, National Health Mission, Pandri, Raipur District Raipur Chhattisgarh
4. Collector, Gariyaband, District Gariyaband Chhattisgarh
5. Deputy Registrar, National Health Mission, Pandri, Raipur District Raipur Chhattisgarh
6. Chief Medical And Health Officer, Gariyaband, District Gariyaband Chhattisgarh
7. Block Medical Officer, Gariyaband, District Gariyaband Chhattisgarh

**---- Respondents**

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Shri P.P.Sahu, counsel for the petitioner/s.  
Shri Satish Gupta, Govt. Advocate for the State.  
Shri CJK Rao, counsel for respondents 2 and 3.

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**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**