

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5186 of 2017

Dr. Kamini Gupta W/o Ram Kinker Gupta Aged About 31 Years Working As
A Ayush Medical Officer Congregational Health Center Gharghoda District
Raigarh Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Health &
Family Welfare Mahanadi Bhawan Mantralay New Raipur District Raipur
Chhattisgarh.
2. Director, Directorate Of Health Services Indrawati Bhawan Mantralay New
Raipur Chhattisgarh.
3. Chief Medical And Health Officer, District Health Officer Raigarh
Chhattisgarh.
4. Block Medical Officer, Block Gharghoda District Raigarh Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Amit Kumar, Advocate.
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/10/2017

Heard on admission.

1. The petitioner has filed this petition seeking a direction for extending the
benefit of maternity leave.
2. It is submitted that though the petitioner had applied for grant of maternity
leave, the order has been passed by the Chief Medical and Health Officer
subject to the condition that the petitioner would be entitled to maternity
leave only upon instructions of the Government.
3. Learned counsel for the petitioner submits that the legal position has been
settled by the order of this Court in the case of **Devshree Bandhe Vs.**

Chhattisgarh State Power Holding Company Limited and others (WPS No.101 of 2017) and the benefit of the same is being extended to those who are approaching this Court for similar direction. One Dr. Vijay Laxmi Chandra, contractual employee, had also approached this Court and order was passed in her favour on 26.07.2017.

4. Once the legal position has been settled, the authorities are bound to grant maternity benefit in accordance with the direction issued in this case in the case of *Devshree Bandhe (supra)* and every contractual employee seeking maternity leave should not be driven to the Court for seeking individual order. This Court vide order dated 26.07.2017 passed in WPS No.3365 of 2017 had directed the Government to pass necessary circular but it appears that no such general directions have been issued which is resulting in denial of the benefit of maternity leave to contractual employee despite a clear judicial order.
5. It is made clear that the legal position having been settled, even contractual employee would be entitled to maternity leave on 180 days and the Chief Medical and Health Officer, Raigarh can not deny the benefit on the ground that benefit would be granted only after instructions from the Government.
6. The petitioner shall be entitled to maternity leave as a regular employee. Necessary order be passed by the respondent No.3 forthwith.
7. In view of the above, the petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E