

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3050 of 2018

- Smt. Poonam Jaiswal, W/o Vidyabushan Jaiswal aged about 27 years Presently posted at RMNCH Counsellor (NHM) Civil Hospital Kharsiya District Raigarh, Chhattisgarh., Permanent R/o Rishabh Tirath, Post Barpali kala, Shakti, District Janjgir Champa, Chhattisgarh.

---- **Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary Department of Health & Family Welfare Mahanadi Bhawan, Mantralaya New Raipur Chhattisgarh.
2. Director, Director of Health Service, Indrawati Bhawan Mantralaya New Raipur Chhattisgarh.
3. Chief Medical and Health Officer, Raigarh District Raigarh, Chhattisgarh.
4. Block Medical Officer, Block Kharsiya District Raigarh, Chhattisgarh.

---**Respondents**

For petitioner	:	Shri Nitash Jaiswal, Advocate.
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam KoshyOrder on Board16/04/2018

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 & 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 & Other (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 26.7.2017 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 cannot 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/-

(P. Sam Koshy)
JUDGE

Pawan