

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4185 of 2018**

Smt. Devantin Gilhare S/o Ranjeet Gilhare Aged About 29 Years R/o Village And Post Office - Adhisena, Tahsil Kharora District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Health And Family Welfare Department Mahanadi Bhawan New Raipur District Raipur Chhattisgarh.
2. The Director, The Office Of Directorate Of Health And Family Welfare New Raipur Chhattisgarh.
3. The Chief Medical And Health Officer District Balodabazar District Balodabazar-Bhatapara, Chhattisgarh
4. The Mission Director, National Health Mission Raipur, 4th Floor Chhattisgarh Housing Board Commercial Premises (South East Corner) Sector-27 New Raipur Chhattisgarh.
5. The Block Medical Officer, Community Health Center Palari, District : Balodabazar-Bhatapara, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Ravi Maheshwari, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/06/2018**

Heard.

1. 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 the order dated 27.02.2017 passed by this Court in the case of ***Devshree Bandhe v. 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.

2. 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 recent pronouncement of 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.
3. In view of above, the petition is finally disposed off. It appears that despite authoritative pronouncement of this Court in the case of **Devshree Bandhe** (supra), in various government offices, distinction between a contractual employee and regular employee is being maintained in the matter of grant of maternity leave. Now, this has to be made clear and the State Government should pass appropriate circular to all the government departments/agencies/corporations and its instrumentalities that in view of the decision of this Court in the case of **Devshree Bandhe** (supra), contractual employee is also entitled to the same period of maternity leave as a regular employee.
4. Certified copy today.

Sd/-
(P. Sam Koshy)
Judge