

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4868 of 2018

Smt. Sangita Mishra W/o Shri Sanju Kumar Mishra, aged about 30 years, R/o Kabir Nagar, Phase-II, House No. MIG 2/49, Post Tatibandh, Raipur, District Raipur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Health and Family Welfare, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.).
2. Mission Director, National Health Mission, Indrawati Bhawan, Mantralaya, Naya Raipur, Post Office, Naya Raipur, District Raipur (C.G.).
3. The Mission Director/ Nodal Officer, National Health Mission, District Hospital, Pandri, Raipur, District Raipur (C.G.).
4. Chief Medical and Health Officer, Raipur, District Raipur (C.G.).

---Respondents

For petitioner	:	Shri Vimlesh Bajpai, Advocate.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/07/2018

1. 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 the order dated 27-02-2017 passed by this Court in the case of **Devshree Bandhe vs. Chhattisgarh State Power Holding Company Limited and others (WPSNo.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 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.

4. In view of above, the petition is finally disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit