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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5878 of 2018**

Dr. Archana Singh W/o Shri B. P. Singh, Aged About 47 Years,
Working As Professor & HOD, Radio- Diagnosis Department, CIMS,
Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through Its Secretary, Ministry Of Personnel, Public Grievances And Pensions (Department Of Personnel And Training), New Delhi
2. State Of Chhattisgarh Through Its Chief Secretary, State Of Chhattisgarh Mantralaya, Mahandi Bhawan, New Raipur, District Raipur, Chhattisgarh
3. Secretary, General Administrative Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
4. The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
5. Dean, Chhattisgarh Institute Of Medical Sciences Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Vinod Deshmukh, Advocate
For Respondents	:	Shri S. P. Kale, Dy. Advocate General and Shri Raj Kumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07.09.2018**

Present writ petition has been filed seeking for a prayer for a direction to be issued to the respondent State for taking necessary steps in amending Chhattisgarh Civil Services Leave Rules, 2010 to the extent of providing child care leave to the female government employees working

under the Govt. of Chhattisgarh.

2. The petitioner through the present writ petition has brought to the notice of this Court that the Govt. of India, Ministry of Personnel, Public Grievances and Pensions Department has already issued an office memorandum as early as 29.09.2008 whereby women employees have been permitted of child care leave to the maximum period of 730 days for taking care of their minor children spread over till the children attain the age of majority. The copy of the instructions issued by the Govt. of India, Ministry of Personnel, Public Grievances and Pensions Cell has been forwarded to the State Governments and Union Territories in India. Pursuant to this, different State Governments have already taken decision amending their respective State Rules. The petitioner in the present writ petition has been able to bring to the notice of this Court the amendments made by the State of MP, West Bengal, Assam, Rajasthan etc.

3. So far as the State of Chhattisgarh is concerned, it has adopted the same rules which were applicable in the State of MP at one point of time. The leave rules of the State of CG are almost pari materia to the rules applicable under the State of MP. Rule 38 in the State of MP as well as in the State of CG deals with the Maternity Leave. It is this Rule in which the state of MP has vide order dated 22.08.2015 Annexure P-8 made correction by incorporating the benefit of Child Care Leave applicable to women government employees under the State of MP. Down the line the public sector undertakings under the Govt. of India, for example BSNL also vide an office order dated 08.03.2013 has passed an order extending the same benefits to all women employees working in BSNL.

4. Given the aforesaid facts and circumstances of the case, once when the Govt. of India and other public sectors of Govt. of India having extended the benefit to their female employees and in addition when the circular of the Govt. of India was circulated to different states like State of MP, West Bengal, Asam, Rajasthan etc., this Court does not find any good reason why the State of CG should not also consider extending similar benefits to its female employees working in the State of CG.
5. For the aforesaid reason, this Court is of the opinion that ends of justice would meet if the matter stands disposed of with a direction to respondents 2 & 3 to take a decision in this regard at the earliest preferably within a reasonable period.
6. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**