

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7228 of 2018

Smt. Kiran Chandrakar W/o Om Prakash Chandrakar Aged About 34 Years Assistant Medical Officer (A.M.O.) Primary Health Center Purur Block Gurur District- Balod, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Health And Family Welfare Mahanadi Bhavan, Mantralaya, New Raipur, Chhattisgarh
2. Director Director Of Health Services Indrawati Bhavan Mantralaya New Raipur, Chhattisgarh.
3. Chief Medical And Health Officer District- Health Officer Balod, Chhattisgarh
4. Block Medical Officer Gurur District- Balod, Chhattisgarh.

---Respondents

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

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/10/2018

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.

Sd/-
(P. Sam Koshy)
Judge

Ved