



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.15975 of 2018

I.Rathna

... Petitioner

Vs.

1. The Director,
Directorate of Medical and Rural
Health Services,
Chennai - 600 006.
2. The Joint Director,
Perambalur District,
Government Head Quarters Hospital,
Perambalur.
3. The Hospital Superintendant,
Government Head Quarters Hospital,
Perambalur.
4. The Joint Director,
Medical and Rural Health Services,
Contonment, Trichy.
5. The Chief Medical Officer,
Government Hospital, Lalgudi,
Trichy District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularise the maternity leave of the petitioner from 26.04.2017 to 26.01.2018 as eligible maternity leave and to pay salary for the said period with all monetary and attendant benefits and also pay the regular salary from 27.01.2018 to till date, by considering the representations of the petitioner dated 30.05.2017 and 12.06.2018.

For Petitioner : Mr.K.K.Senthil

For Respondents : Mr.D.Muruganantham, AGP

**O R D E R**

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to regularise the maternity leave of the petitioner from 26.04.2017 to 26.01.2018 as eligible maternity leave and to pay salary for the said period with all monetary and attendant benefits and also pay the regular salary from 27.01.2018 till date, by considering the representations of the petitioner dated 30.05.2017 and 12.06.2018.

2. Heard Mr.K.K.Senthil, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner was working as Staff Nurse at the respondent department and in order to give the birth of the second child, the petitioner applied for maternity leave on 26.04.2017 and thereafter, the leave was extended till 26.01.2018. For the said maternity leave period, the petitioner is entitled to get regularised with full pay. However, the said period was not regularised so far. With the result, the petitioner is not able to get the full pay. Even after joining the service after completion of the maternity leave on 27.01.2018, the petitioner was not given the original full pay, subsequently, the said full pay has been given. Therefore, the learned counsel for the petitioner would submit that if the request made in this regard by the petitioner by way of representation dated 30.05.2017 and further representations dated 03.04.2018 and 12.06.2018 are directed to be considered and the said leave period is regularised with full pay, the petitioner would be satisfied. Insofar as the second portion is concerned, his request in the representation as well as in the prayer to get full pay from 27.01.2018 has already been accomplished and hence, the petitioner is not insisting upon the same herein.

4. I have heard the learned Additional Government Pleader appearing for the respondents, who would submit that as per the earlier G.O., the petitioner would be entitled to take maternity leave with full pay for 180 days. Subsequently, by G.O.No.105, P & AR Department dated 11.06.2016, the eligibility of the maternity leave for the government employees had been enhanced from 180 days to 270 days and therefore, the petitioner's maternity leave period from 26.04.2017 to 26.01.2018 certainly would be considered for regularisation with full pay and in this regard, necessary order would be passed by the respondents, within a time frame.

5. I have considered the said submissions made by the learned counsel for the parties and accordingly, this Court is inclined to pass the following order:



"The respondents are directed to consider the representation of the petitioner dated 30.05.2017 following by the representations dated 03.04.2018 and 12.06.2018 and accordingly, pass orders for the regularisation of maternity leave taken by the petitioner from 26.04.2017 to 26.01.2018 with full pay and pass necessary orders in this regard, within a period of four weeks from the date of receipt of a copy of this order."

6. With the above direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Director,
Directorate of Medical and Rural
Health Services,
Chennai - 600 006.
2. The Joint Director,
Perambalur District,
Government Head Quarters Hospital,
Perambalur.
3. The Hospital Superintendant,
Government Head Quarters Hospital,
Perambalur.
4. The Joint Director,
Medical and Rural Health Services,
Contonment, Trichy.
5. The Chief Medical Officer,
Government Hospital, Lalgudi,
Trichy District.

+ 1 CC TO Mr.K.K.SENTHIL, ADVOCATE IN SR No. 74792
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 74465

ARUL

TE/SV/SAR-2 : 23/11/2018 : 3P/8C

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