

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 272 of 2019

Smt. Anu Bharti Goswami W/o Rudra Prakash Puri, Aged About 29 Years
R/o Village Bhakra, District- Dhamtari, Posted As Assistant Teacher
Panchayat (LB), Govt. Primary School Nagpura, Vikas Khand Pathariya,
District- Mungeli, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Secretary, School Education Department Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Executive Officer, Janpad Panchayat Pathariya, District- Mungeli, Chhattisgarh
3. Block Education Officer, Vikas Khand Pathariya, District- Mungeli, Chhattisgarh
4. Secretary Panchayat And Rural Development, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/01/2019

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