

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2019

CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.361 of 2019

Dr.T.Rajatharangani

...Petitioner

Vs

- 1.The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai.
- 2.The Director and Superintendent,
Institute of Obstetrics and Gynaecology
And Government Hospital Women & Children,
Egmore, Chennai-600 008.
- 3.The Resident Medical Officer,
Government Women & Children Hospital,
Egmore, Chennai-600008.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to pay the maternity leave salary to the petitioner from June 2018 to till date by considering the petitioner's representation dated 19.12.2018 within a reasonable time period to be fixed by this Hon'ble Court.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The petitioner was appointed as Assistant Surgeon in Villupuram Medical College Hospital, Villupuram and she joined duty on 26.03.2010. She was thereafter posted as Tutor in Physiology, Villupuram Medical College, Villupuram by order dated 03.12.2010 issued by the first respondent. Subsequently, her service was also regularised by proceedings dated 18.04.2014. After obtaining permission from the respondents, the petitioner joined the PG Course in MS (Obstetrics and Gynaecology) in the Tamil Nadu Dr.MGR Medical University, Chennai for the academic period April 2016 to June 2018. While so, she begot a female child on 10.04.2018. According to the petitioner, she is eligible for maternity leave from 10.04.2018 for a period 270 days as per G.O.Ms.No.105 dated 07.11.2016.

Thereafter, she was posted as Medical Officer/Maternity Wing (High Risk Mother Observation) under the second respondent by order dated 15.06.2018 in Ref.No.6789/E3/1/2018-SPG and accordingly she joined duty under the second respondent on 20.06.2018. Thereafter, she made a representation dated 22.06.2018 to the second respondent requesting to grant maternity leave for a period of 270 days enclosing the relevant documents. Subsequently, the second respondent issued a letter dated 27.06.2018 directing the petitioner to submit documents with regard to maternity. Accordingly, she approached the second respondent requesting to grant maternity leave and to pay salary for the maternity leave period. She also made a representation dated 19.12.2018 to the first and second respondents. Since the same have not been considered, she has come up with the present writ petition for issuance of a Writ of Mandamus directing the respondents to pay the maternity leave salary to the petitioner from June 2018 to till date by considering the petitioner's representation dated 19.12.2018 within a reasonable time frame.

2.Mr.R.S.Selvam, learned Government Advocate, takes notice for the respondents.

3.Considering the facts and circumstances of the case, the respondents 1 and 2 are directed to consider the representation dated 19.12.2018 made by the petitioner and pass appropriate orders on merits and in accordance with law, after affording an opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

4.The writ petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai.
- 2.The Director and Superintendent,
Institute of Obstetrics and Gynaecology
And Government Hospital Women & Children,
Egmore, Chennai-600 008.

3.The Resident Medical Officer,
Government Women & Children Hospital,
Egmore, Chennai-600 008.

+lcc to Mr.E.Sathiyaraj, Advocate, S.R.No.2145
+lcc to the Government Pleader, S.R.No.2345

W.P.No.361 of 2019

rrs 11/01/2019



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