



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No. 11206 of 2013

and

MP(MD) No.1 of 2013

R.Mohanapriya

... Petitioner

Vs.

1. The Director
Public Libraries
Government of Tamil Nadu
Chennai- 2

2. The District Library Officer
District Central Library
Simmakkal, Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned order dated 02/08/2012 in Na.Ka.no. 2628/A/2011 on the file of the Second Respondent and quash the same and thereby directing the Respondents to sanction the period of leave taken by the petitioner as Maternity leave for the period 04/06/2011 to 01/09/2011 and 17/09/2011 to 16/12/2011

For Petitioner : Mr.M.S.Suresh Kumar
For Respondents : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

The relief sought for in the writ petition is to direct the respondents to sanction the period of leave taken by the writ petitioner as Maternity leave for the period from 04.06.2011 to 01.09.2011 and 17.09.2011 to 16.12.2011.

2. The grievance of the writ petitioner is that the writ petitioner had availed maternity leave for 181 days. The said leave was disallowed by the authorities concerned on the ground that the writ petitioner is not eligible for maternity leave. The impugned order states that the writ petitioner was working as Village Librarian and the writ petitioner is eligible for casual leave alone. Thus, the benefit of maternity leave being granted to the regular government servants cannot be extended to the writ petitioner. In this view of the matter, the error occurred in the matter of grant of maternity leave was rectified in the impugned order.



3. This Court is of the opinion that the writ petitioner admittedly was serving as Village Librarian on consolidated pay. The writ petitioner was not working as a regular government servant in the sanctioned post in the regular time scale of pay. The leave rule as applicable to the permanent government servant are not applicable to the employees working under consolidated pay scheme. Such consolidated pay employees are entitled to avail the casual leave alone and other benefits of maternity leave and medical leave are impermissible to such employees. This being the condition of service accepted by the writ petitioner while joining in consolidated pay scale service. Now the writ petitioner cannot seek the benefit of maternity leave for the purpose of getting full salary and other benefits. This being the legal principles to be followed, the writ petitioner who is serving as consolidated pay scale employee in the post of village librarian is not eligible to avail the benefit of maternity leave under the leave rules as per the government order in force. Thus, there is no infirmity in the impugned order passed by the 1st respondent and other leave equally eligible to the writ petitioner and the same shall be granted with reference to the rules in force for the purpose of regulating the period.

4. With these observations, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Director
Public Libraries
Government of Tamil Nadu
Chennai- 2

2. The District Library Officer
District Central Library
Simmakkal, Madurai

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 67066

W.P[MD] No.11206 of 2013

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sgs (CO)

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