

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.27057 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.... to issue an order or direction or writ, more appropriately a WRIT OF MANDAMUS to declare the action of the Respondents herein in not considering the maternity leave application dated 22.07.2019 and latest application dated 22.10.2019 filed by the petitioner for grant of maternity leave for a period of twenty six weeks as per Section 5(3) of the Maternity Benefit Act, 1961, as amended under Amendment Act, 6 of 2017 as illegal and further direct the respondents herein to sanction the maternity leave to the petitioner for a period of twenty six weeks as per Section 5(3) of the Maternity Benefit Act 1961 as amended under Amendment Act 6 of 2017 from 22.07.2019 onwards on the application made by the petitioner on 22.07.2019 without deduction of any pay forthwith”.

Heard Mr.K.Rajanna, the learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that she was appointed as a staff nurse on contract basis with the respondents and she made a representation on 22.07.2019 for grant of maternity leave from 22.07.2019 to 22.10.2019 and again on 22.10.2019, she made another representation for grant of maternity leave from 22.10.2019 to 22.11.2019 in terms of Section 5(3) of the Maternity Benefit (Amendment) Act, 2017. But, so far, the respondents have not passed any orders on the said representations nor granted the maternity leave assought for.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the representations submitted by the petitioner on 22.07.2019 and 22.10.2019 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents contends that since the representations of the petitioner are pending, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representations submitted by the petitioner on 22.07.2019 and 22.10.2019 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 06-12-2019
Prv

