



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.17425 of 2021

C.Rajaguru

.. Petitioner-in-Person

Vs

1. The Secretary,
Personnel and Administrative Reforms Department,
Secretariat, Chennai - 600 009.
 2. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
 3. The Director,
Directorate of Medical and Rural Health Services (DMS),
No.361, Anna Salai,
DMS Complex, Teynampet,
Chennai - 600 006.
 4. The Director,
Directorate of Public Health and Preventive Medicine (DPHS),
No.359, Anna Salai,
DMS Complex, Teynampet,
Chennai - 600 006.
 5. The Joint Director,
Office of Joint Director of Health Services,
Government District Headquarters Hospital Campus,
Villupuram District,
PIN- 605 602.
- ..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus (a) directing the respondent Nos.2 to 5 to take immediate steps to identify the pending application from the non-regularised married women



Government servants appointed on regular capacity, non-permanent married women Government servants employed under the emergency provisions, temporary and contract based married women government employees who completed one year of continuous service for their maternity benefits in the second respondent department and immediately grant maternity leave on full pay as per the G.O.(Ms) No.91, Personnel and Administrative Reforms (FR.II) Department, dated 28.07.2020; (b) directing the respondent No.2 to ensure the proper and effective implementation of the Maternity Benefits to the women government employees as per the G.O.(Ms) No.91, Personnel and Administrative Reforms (FR.II) Department, dated 28.07.2020 and Tamilnadu Maternity Benefit Act, Tamil Nadu Maternity Benefit Rules.

For the Petitioner : Mr.C.Rajaguru
Petitioner-in-Person

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner complains of the discriminatory treatment of non-regularised married women by the government in not granting them the appropriate maternity leave that regularised government employees are entitled to.

2. It is submitted by Mr.P.Muthukumar, learned Government Pleader, that in respect of women who are engaged as non-regularised employees and who have completed one year of engagement, the same benefit is conferred. It is further submitted by the State that the maternity leave has now been extended from 270 days to 365 days. A recent government order dated August 23, 2021 is referred to in such regard.

3. It is understandable that a distinction is made on the basis of whether the concerned person has been in non-regular engagement for a year or not before making available a year of leave on account of maternity. There does not appear to be any discrimination of the kind that the petitioner complains of.

4. There is another aspect that the petitioner seeks to refer to, which pertains to the applications for maternity leave made by non-regularised employees remaining pending without consideration for months together. No omnibus order in such regard can be made on the basis of a general and vague



allegation. At any rate, it is for the individual concerned, when it comes to a service benefit or the like, to pursue the grievance in accordance with law and a vague charge of the present kind cannot be appropriately addressed by the court in a public interest litigation.

5. In view of the State's clarification as recorded above, nothing survives of this petition and W.P.No.17425 of 2021 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary,
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Secretariat, Chennai - 600 009.
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PIN- 605 602.

+1CC to Mr.C.Rajaguru, Advocate, Sr.No.47052

W.P.No.17425 of 2021

PVS (CO)

K.RK. (22.09.2021)