



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10252 of 2022

S.Divya

... Petitioner

Vs.

1. The Government of Tamil Nadu
Represented by its Chief Secretary to Government,
Fort St. George, Chennai - 600 009.
2. The Principal Secretary to Government,
Human Resources Management Department,
Fort St. George, Chennai - 600 009.
3. The Director General of Police,
No.1, Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
4. The Inspector General of Police,
North Zone, Railway Station Road,
Alandur Street, St.Thomas Mount,
Chennai - 600 016.
5. The Deputy of Inspector General
Vellore Range, Anna Road,
Officer line, Thorapandi,
Vellore - 632 001.
6. The Superintendent of Police,
District Police Office,
Sathuvacheri, Vellore - 9.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents to sanction maternity leave for the petitioner for a period of one year which starts from 18.11.2021 with full pay and all attendant benefits by considering the representation of the petitioner dated 13.12.2021.

For Petitioner : Mr.S.Karthikei Balan
for M/s.Suhasini

For Respondents: Mr.M.Bindran,
Additional Government Pleader



O R D E R

The relief sought for in the writ petition is for issuance of Mandamus to direct the respondents to sanction maternity leave for the petitioner for a period of one year which starts from 18.11.2021 with full pay and all attendant benefits by considering the representation of the petitioner dated 13.12.2021.

2. Brief facts of the case:

The petitioner was working as a Grade-II Police Constable in Vellore Armed Reserve. Further, from 08.08.2016 to 08.05.2017, the petitioner availed medical leave and she gave birth to a male child on 18.11.2021 at Christian Medical College, Vellore. The professor and head of the department of obstetrics and Gynecology, Unit IV of Christian Medical College, Vellore, has advised the petitioner to take maternity leave from the date of delivery for petitioner's post-natal care. Hence, the petitioner has sent a request for maternity leave on 13.12.2021 to the third and sixth respondents, but there is no reply from the respondents. Hence, the writ petition.

3. The learned counsel for the petitioner would reiterate the above said facts and state that the petitioner has an apprehension that she may not be accorded sanction for maternity leave because of the two-child policy of the Government, however, she was of a bonafide belief that the department would grant maternity leave to her, since this is only the second time she is availing maternity leave after she joined in the service. Further, her first son who born out of her first marriage, was born before, she entered into the Government Service. The maternity leave sought by her now has to be construed as the second one and the child now born has to be construed as a second child as far as the Government service is concerned to accord maternity leave benefits. Further, the learned counsel for the petitioner would submit that in a similar circumstances of this case, this Court in W.P.No.22077/2021 has considered the issue and granted the benefit to the petitioners therein and hence, he would submit that the petitioner is also entitled for the same relief as granted in the earlier W.P.No.22077/2021, dated 25.03.2021 i.e., grant of maternity leave to the petitioner for the period of one year starts from 18.11.2021.

4. The learned Additional Government Pleader appearing for the respondents would submit that it is for the respondents to consider the said representation if otherwise eligible subject to any appeal has been preferred by the respondent.

5. Heard the learned counsel on either side and perused the materials placed on record.



6. In the light of the aforesaid submissions made by the parties, this Court directs the respondents to consider the petitioner's representation dated 13.12.2021 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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1. The Chief Secretary to Government,
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Fort St. George, Chennai - 600 009.
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3. The Director General of Police,
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6. The Superintendent of Police,
District Police Office,
Sathuvacheri, Vellore - 9.

+1cc to M/s.Suhasini, Advocate, S.R.No.30357
+1cc to the Government Pleader, S.R.No.30644

W.P.No.10252 of 2022

BR(CO)
CT 31/05/2022