



W.P.(MD) No.7272 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.7272 of 2020
and WMP (MD) Nos.6720 to 6722 of 2020

P.Kanthimathi

... Petitioner

-VS-

1.State of Tamil Nadu

Rep. By its Principal Secretary to the Government
Department of Social Welfare and Nutritious Meal Programme,
Fort St. George, Chennai.

2.The Director cum Mission Director,

Directorate of Integrated Child Development Services,
Pammal Nallathambi Street, MGR Road,
Taramani, Chennai 600 113.

3 The Deputy Director,

Integrated Child Development Services,
Pammal Nallathambi Street, MGR Road,

Taramani, Chennai 600 113.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Se.Mu.Na.Ka.No.1086/E1/2020 dated



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05.06.2020 on the file of the respondent No.2 and quash the same as illegal and consequently for a direction directing the respondent No.2 to reinstate the petitioner in the post of Specialist (Financial Management) at the 2nd respondent office with all consequential benefits within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

Challenging the impugned order of the 2nd respondent dated 05.06.2020 and for a direction to the respondents to accommodate the petitioner in the post of Specialist (Financial Management) at the 2nd respondent office with all consequential benefits, the writ petition has been filed.

2.The learned counsel for the petitioner would submit that the petitioner was appointed as Specialist (Financial Management) on contractual basis at the office of the 2nd respondent on 28.08.2019 for a period of one year. While so, the petitioner applied for maternity leave for



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three months from 27.01.2020 to 25.04.2020 and on 07.05.2020, a male child was born to the petitioner. Seeking extension of maternity leave till 24.07.2020, the petitioner sent a letter on 20.05.2020 to the 2nd respondent. He would further submit that due to COVID-19 pandemic, the petitioner sought for maternity leave. However, without considering the maternity leave, the petitioner was terminated from service, challenging which, the petitioner is before this Court with this writ petition.

3. The learned Special Government Pleader would submit that as per G.O.Ms.No.105 dated 07.11.2016, 180 days to 270 days to the women Government servants only and as far as G.O.Ms.No.164 dated 25.10.2019 is concerned, maternity leave will be given only for non permanent married women Government servants. However, since the petitioner being a contractual employee, she is not entitled for maternity leave and hence, the impugned order cannot be interfered with.

4. At this juncture, the learned counsel for the petitioner would submit that the petitioner sought for maternity leave on account of



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COVID-19 pandemic. He would further submit that a direction may be issued to the respondents to provide employment to the petitioner, if any post is available on contractual basis.

5. Considering the limited request made by the petitioner, without interfering with the order impugned, the writ petition is disposed of granting liberty to the petitioner to approach the respondents seeking employment on contractual basis. No costs. Consequently connected Miscellaneous Petitions are closed.

03.01.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
RR



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To

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M.DHANDAPANI, J.

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