



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-03-2025**

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN**

**WP No. 9164 of 2025**

**and**

**W.M.P. No. 10265 of 2025**

1. M.Abirami

W/o.R.Sivakumar, No.9,G2 Ragava  
Foundation, Rajendra Nagar,  
Keelkattalai, Chennai-117.

2.M.Siva Sankari

D/o.A.Mariappan, 9/4a, Thiruneela  
Kanda Nayanar Street, Palayamkottai,  
Tirunelveli-627 002.

3.J.Prabavathi

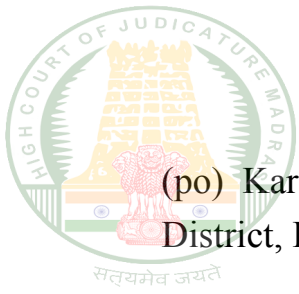
W/o.R.Vel Murugan, No.1/31,  
Perumal Koil Street, Valavanoor,  
Ranipet District Pin- 632 511.

4.A.Dheivanai

W/o.M.Santhoshkumar, No.24/95 D/e,  
6th Street, Near Pallivasal , Voc Nagar,  
Kallakurichi South District, Pin- 606  
213.

5.S.Madurai Meena

W/o.Thirupathi, No.229, North Street,  
Kaluvaanacheri, Chithumundradaippu,



(po) Kariyapatti Taluk, Virudhunagar  
District, Pin-626 106.

WEB 6.S.Priya

D/o.T.Selvarasu, No.1/74, South Street,  
Kallamedu Village, Vanampattu Post,  
Ulundupet Taluk, Kallakurichi-607  
204.

7.M.Chitra

W/o.S.Marikumar, No.2/11, West  
Street, Sathirapatti Post And Village,  
Tiruvencatam Taluk, Tirunelveli- 627  
719.

8.A.Jeba Shalo

W/o.T.Jason Joseph, No.2/143, Church  
West Street, Idayankulam Post,  
Athichaperi,  
Tirunelveli District-627502.

9.R.Saranya

W/o.Vinoth Kumar, No.1/39, Vellalar  
Street, Kandhaneri (village And Post)  
Pallikonda (via) Anaicut Taluk,  
Vellore District-635 809

10.M.R.Leniya

W/o.P.Santhakumar, No.20, Gollar  
Street, Alangayam, Vaniyambadi  
Taluk, Thirupatur District- 635 701.

11.M.Mahalakshmi

D/o.K.Marimuthu, No.18, 1st Floor,  
V.V.G. Factory Street, State Bank Of  
India (Opp) Theni District-625 531.



Vs.

WEB

1. The Principal Secretary To

Government

Personnel And Administrative

Reforms Department, Secretariat,

Chennai-09.

2. The Principal Secretary To

Government

Health And Family Welfare

Department, Secretariat, Chennai-09.

3. The Director

Directorate Of Medical And Rural

Health Services (dms) No.359, Anna

Salai, Dms Complex , Teynampet,

Chennai-06.

4. The Director

Directorate Of Public Health And

Preventive Medicine (dphs) No.359,

Anna Salai, Dms Complex,

Teynampet, Chennai-06

5. The Director

Kalaigarn Centenary Super Specialty

Hospital, Guindy, Chennai-032.

6. The Deputy Director Health Service

Gst Road, Chengalpattu-603 001.

7. The Deputy Director Of Health

Service

Office Of Deputy Directorate Of



Health Service No.16 Old Police  
Hospital Road, Palayankottai,  
Tirunelveli- 627 002.

WEB COPY

8.The Joint Director Medical Service  
No.5, Railway Road, Kancheepuram-  
631 501.

9.The Dean  
Govt Medical College And Hospital,  
Siruvangur, Kallakurichi-213.

10.The Deputy Director Of Health  
Service  
Chairman Lakshman Street, Near  
Municipal Office, Thirupathur- 635  
601.

11.The Deputy Director Health  
Service  
Office Of Deputy Directorate Of  
Health Service, Thandalai Road,  
Kallakurichi-202.

12.The Deputy Director Health Service  
District Collectorate Campus,  
Thenkasi-811.

13.The Deputy Director Health Service  
District Collectorate Campus,  
Thiruchengodu Road, Namakkal-03.

14.The Deputy Director Health Service  
Govt Master Plan Campus, Near  
Collector Office, Theni-531.

Respondents

**PRAYER**

Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent Nos.2 to 5 to pay the Petitioners arrear Salary benefits for their Maternity leave as per their representations dated 20.12.2024, 21.12.2024, 24.12.2024, 26.12.2024, 28.12.2024, 30.12.2024 07.01.2025, 11.01.2025.

For Petitioners: Mr.C.Rajaguru

For Respondents: Mr.N.Bindran, AGP(R1 To R4)

**ORDER**

This writ petition has been filed in the nature of mandamus seeking a direction against respondents 2 to 5 to pay arrears salary benefits for the maternity leave taken by the petitioners and in view of the representations given by the petitioners.

2. In the affidavit filed in support of this writ petition, it has been contended that the first writ petitioner was appointed as contract based Nurse in Government Primary Health Centre at Pollachi, Coimbatore District through Medical Service Recruitment Board. She was then transferred to Government Primary Health Centre, Moovarasampettai at Chengalpattu District. She was further transferred to Kalaignar Centenary Super Speciality Hospital at Guindy,



Chennai, where she is now working. She has been discharging her duties diligently. It has been contended that she was eligible for 270 days of maternity

leave with full pay in view of the various Government orders already passed by the respondents.

3. The first writ petitioner took maternity leave when she was working in Moovarasampettai at Chengalpattu District as contract Nurse. She claims that she was entitled for maternity leave with full pay in accordance with the Government Order in G.O.(Ms) No. 91, Personnel and Administrative Reforms (FR.II) Department, dated 28.07.2020 she was permitted to take maternity leave but not paid any salary. She had given a representation in this regard. Similarly, other writ petitioners had also taken maternity leave and had sought salary for the period under which they went on leave. The details of the petitioners and the dates on which they had taken maternity leave are below:-

“

| <b><i>Sl.No.</i></b> | <b><i>Name of the Petitioners</i></b> | <b><i>Date of appointment as contract based nurse</i></b> | <b><i>Date of regularization as Staff Nurse</i></b> | <b><i>Maternity leave for 1<sup>st</sup> pregnancy</i></b> | <b><i>Maternity leave for 2<sup>nd</sup> pregnancy</i></b> |
|----------------------|---------------------------------------|-----------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|
| 1                    | M.Abirami                             | 29.11.2019                                                | Not                                                 | 20.07.2022                                                 | Nil                                                        |

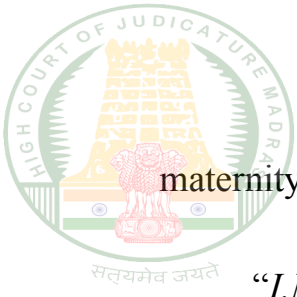


| <b>Sl.No.</b> | <b>Name of the Petitioners</b> | <b>Date of appointment as contract based nurse</b> | <b>Date of regularization as Staff Nurse</b> | <b>Maternity leave for 1<sup>st</sup> pregnancy</b> | <b>Maternity leave for 2<sup>nd</sup> pregnancy</b> |
|---------------|--------------------------------|----------------------------------------------------|----------------------------------------------|-----------------------------------------------------|-----------------------------------------------------|
|               |                                |                                                    | regularized                                  | to 19.07.2023                                       |                                                     |
| 2.            | M.Siva Sankari                 | 29.11.2019                                         | Not regularized                              | 01.11.2023 to 30.10.2024                            | Nil                                                 |
| 3.            | J.Prabavathi                   | 26.03.2020                                         | Not regularized                              | 02.12.2023 to 03.12.2024                            | Nil                                                 |
| 4.            | A.Dheivanai                    | 24.09.2019                                         | Not regularized                              | Nil                                                 | 01.02.2023 to 31.01.2024                            |
| 5.            | S.Madurai Meena                | 29.11.2019                                         | Not regularized                              | 11.06.2022 to 31.03.2023                            | Nil                                                 |
| 6.            | S.Priya                        | 29.11.2019                                         | Not regularized                              | 09.06.2022 to 08.06.2023                            | Nil                                                 |
| 7.            | M.Chitra                       | 12.07.2017                                         | Not regularized                              | Nil                                                 | 03.09.2022 to 02.09.2023                            |
| 8.            | A.Jeba Shalo                   | 19.09.2015                                         | 13.01.2023                                   | 11.01.2020 to 06.10.2020                            | Nil                                                 |
| 9.            | R.Saranya                      | 16.04.2020                                         | Not regularized                              | 23.07.2024 to 22.07.2025                            | Nil                                                 |
| 10.           | M.R.Leniya                     | 29.11.2019                                         | Not regularized                              | Nil                                                 | 02.03.2024 to 01.03.2025                            |
| 11.           | M.Maha Lakshmi                 | 16.04.2020                                         | Not regularized                              | 23.04.2022 to 16.04.2023                            | Nil                                                 |

”

4. The learned counsel for the petitioners placed reliance on Government

Letter (Ms) No. 13965/FR-3/2015 dated 20.04.2015, wherein, with respect to



maternity leave it has been provided as follows:-

*“I.Maternity:-*

*(i)....*

*(ii)....*

*(iii) Non-permanent Married Women Government Servants, employed under the emergency provisions i.e. temporarily, should have completed one year of continuous service, including leave periods, if any, to become eligible for grant of Maternity Leave of 180 days as above.”*

It had been provided the petitioners are therefore entitled for maternity leave.

The respondents cannot deny salary during that particular period since it is only an extension of the service. The petitioners are entitled to take such leave.

5. Though time is sought for filing counter, a mandamus is issued that the respondents should pay the arrears of salary benefits to the petitioners herein in accordance with the period of leave which they had sought.

6. The respondents cannot claim to be a welfare State if they are to leave their women employees high and dry for the period of leave availed owing to



maternity. As a model State, the respondents should come forward to pay salary for the particular period of maternity.

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7. The writ petition stands allowed. A direction is issued to pay the arrears of salary which, if not paid, must be paid within a period of three weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

**24-03-2025**

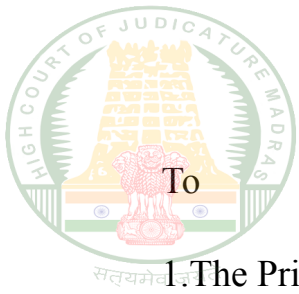
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.The Principal Secretary To Government

Personnel And Administrative Reforms Department, Secretariat, Chennai-09.

2.The Principal Secretary To Government

Health And Family Welfare Department, Secretariat, Chennai-09.

3.The Director

Directorate Of Medical And Rural Health Services (dms) No.359, Anna Salai, Dms Complex , Teynampet, Chennai-06.

4.The Director

Directorate Of Public Health And Preventive Medicine (dphs) No.359, Anna Salai, Dms Complex, Teynampet, Chennai-06

5.The Director

Kalaigarn Centenary Super Specialty Hospital, Guindy, Chennai-032.

6.The Deputy Director Health Service

Gst Road, Chengalpattu-603 001.

7.The Deputy Director Of Health Service

Office Of Deputy Directorate Of Health Service No.16 Old Police Hospital Road, Palayankottai, Tirunelveli- 627 002.

8.The Joint Director Medical Service

No.5, Railway Road, Kancheepuram-631 501.

9.The Dean

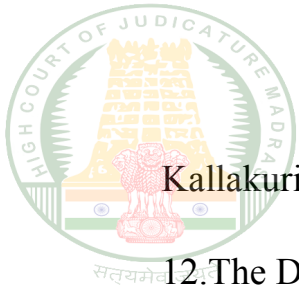
Govt Medical College And Hospital, Siruvangur, Kallakurichi-213.

10.The Deputy Director Of Health Service

Chairman Lakshman Street, Near Municipal Office, Thirupathur- 635 601.

11.The Deputy Director Health Service

Office Of Deputy Directorate Of Health Service, Thandalai Road,



Kallakurichi-202.

12.The Deputy Director Health Service

District Collectorate Campus, Thenkasi-811.

13.The Deputy Director Health Service

District Collectorate Campus, Thiruchengodu Road, Namakkal-03.

14.The Deputy Director Health Service

Govt Master Plan Campus, Near Collector Office, Theni-531.



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**C.V.KARTHIKEYAN J.**

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