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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.12311 of 2025

M.Manodarshni

.. Petitioner

Vs.

1.The City Health Officer,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.

2.Zonal Health Officer,
Greater Chennai Corporation,
Zone – VII, Rippon Building,
Chennai – 600 003.

3.Zonal Medical Officer,
Greater Chennai Corporation,
Zone – VII, Rippon Building,
Chennai – 600 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 1 to 3 to sanction of maternity leave with full pay from 29.07.2024 to 28.07.2025 as per Government order in G.O. Ms. No. 84 (Human Resources Management (FR- III) Department) dated 23.08.2021 by considering the petitioner



representation dated 29.07.2024 in accordance with Municipal Corporation of Delhi Vs. Female Workers (Muster - roll) reported in 2000 (2) LLN 390 (SC), Kavitha Yadav V. The Secretary, Ministry of Health (2023 SCC online SC 1067), M.R.B Nurses Empowerment Association Vs. Principal Secretary, State of Tamil Nadu and Deepika Singh V.PGIMER (2023) 13 SCC 681.

For Petitioner .. Mr.B.Balaji

For R1 to R3 .. Ms.K.Aswini Devi, Standing Counsel

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to sanction Maternity Leave with full pay from 29.07.2024 till 28.07.2025 in accordance with G.O.Ms.No.84, (Human Resources Management (FR-III) Department) dated 23.08.2021. The petitioner had given a representation on 29.07.2024 in this regard.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner had been appointed as Medical Officer/ (Obstetrics and Gynaecology Specialist), under the National Urban Health



Mission (NUHM), Greater Chennai Corporation, on 01.03.2024. It had been stated that she took leave on maternity grounds on and from 29.07.2024 and had availed the same till 28.07.2025. The petitioner claimed that maternity benefits must be paid to her by the respondents.

3.The learned Standing Counsel for the respondents raised an issue that he has to verify whether the petitioner had worked for a period of 80 days prior to availing such maternity leave. But the dates as given in the affidavit itself shows that the petitioner had been appointed on 01.03.2024 and availed the leave on and from 29.07.2024 and therefore, she had certainly worked for three months and more and by any mathematical calculation three months would be more than 80 days.

4.A direction is given to the respondents to consider the representation in the light of the judgment of the Hon'ble Supreme Court reported in **2023 SCC OnLine SC 1067, Dr.Kavita Yadav V. The Secretary, Ministry of Health and Family Welfare and others**, wherein the law has been laid that there cannot be denial of maternity benefit to any lady employee. It would only be appropriate that the respondents examine the



representation and pass appropriate orders within a period of three weeks

from the date of receipt of a copy of this order. Accordingly, this Writ

Petition stands allowed. No costs.

07.04.2025

Index:Yes/No

Internet:Yes/No

smv

To

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C.V.KARTHIKEYAN,J.

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