



W.P.(MD)No.18564 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.18564 of 2025

N.Nithya

... Petitioner

Vs.

1.The Chairman / Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
NPKRR Maaligai, 10th Floor,
No.144, Anna Salai,
Chennai - 600 002.

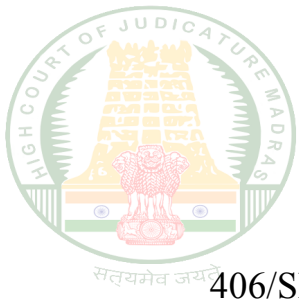
2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Limited,
NPKRR Maaligai, 8th Floor,
No.144, Anna Salai,
Chennai - 600 002.

3.The Chief Engineer (Distribution),
Madurai Electricity Distribution Circle,
Tamil Nadu Power Distribution Corporation Limited,
Madurai.

4.The Superintending Engineer (Distribution),
Madurai Electricity Distribution Circle,
Tamil Nadu Power Distribution Corporation Limited,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed in AA No.



W.P.(MD)No.18564 of 2025

406/SE/MEDC/MDU/AO/AM/AB1/22/2025 dated 18.06.2025 by the fourth respondent and quash the same and consequently, direct the respondents to sanction Maternity Leave from 16.05.2025 to 15.05.2026 with full pay and benefits in the light of the Apex Court's judgment reported in 2025 INSC 781 (**K.Umadevi vs. State of Tamil Nadu and others**)

For Petitioner : Mr.G.Kaleeswaran

For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

This Writ Petition has been filed seeking to quash the impugned order passed by the fourth respondent dated 18.06.2025 and consequently, direct the respondents to sanction Maternity Leave to the petitioner from 16.05.2025 to 15.05.2026 with full pay and benefits in the light of the judgment of the Hon'ble Apex Court reported in **2025 INSC 781 (K.Umadevi vs. State of Tamil Nadu and others)**.

2. The learned counsel for the petitioner submits that the petitioner was lawfully married to late Vivekanandhan, a Wireman in the respondent Department and she was appointed to the Department on compassionate grounds following his demise in 2015. She has two minor children from the said marriage. The petitioner remarried Nandhakumar



W.P.(MD)No.18564 of 2025

WEB COPY

in 2022 and gave birth to twin daughters on 15.05.2025. The petitioner applied for maternity leave for the first time after entering into service, in accordance with the Government Rules, but the same was unjustly denied by the fourth respondent vide the impugned order dated 18.06.2025. The rejection of maternity leave is arbitrary and violates the principles laid down by the Hon'ble Supreme Court in **K.Umadevi vs. State of Tamil Nadu and others** (2025 INSC 781), wherein maternity benefits were upheld as a fundamental right. The relevant portion of the said judgment reads as follows:-

"33.4. Thus, this Court was categorical in declaring that the factum of appellant's spouse having two biological children from his first marriage would not impinge upon the entitlement of the appellant to avail maternity leave for her sole biological child. Grant of child care leave to the appellant for the two children of her spouse from his previous marriage cannot be used to disentitle her to maternity leave under Rule 43 of the 1972 Rules. In the context of employment, child birth has to be construed as a natural incident of life and, hence, provisions for maternity leave must be construed in that perspective. Observing that when courts are confronted with such situations, they would do well to attempt to give effect to the purpose of the law in question rather than to prevent its application."



W.P.(MD)No.18564 of 2025

WEB COPY

3. The learned counsel for the petitioner further submits that maternity leave is not a discretionary benefit but a statutory right under Rule 101 of the Fundamental Rules, reinforced by various judicial pronouncements, which recognizes maternity leave as essential to protect the dignity, health and well-being of a working mother and her child. The petitioner's remarriage and subsequent childbirth do not dilute or extinguish her rights under service rules. Therefore, the petitioner is entitled to maternity leave benefits without discrimination or denial, especially, considering the statutory and judicial protections accorded to working women. Hence, the impugned order is liable to be set aside and the petitioner be granted maternity leave as per the applicable norms.

4. The learned Standing Counsel appearing for the respondents submits that as per Departmental norms and Government Orders, maternity leave is generally restricted to employees having not more than two surviving children. The birth of twins through her second marriage would result in a total of four children, thereby, exceeding the prescribed limit. The petitioner's application was considered in accordance with the existing service rules and administrative instructions in force. The impugned order dated 18.06.2025, was passed after taking into account



W.P.(MD)No.18564 of 2025

WEB COPY

the petitioner's overall family circumstances. The rejection of maternity leave was not arbitrary but based on a reasonable interpretation of service norms that seek to balance individual benefit with administrative discipline. If such entitlements were granted in contravention of rules, it could open the door for similar claims beyond the permissible limit. The learned Standing Counsel, however, submits that if the Court finds that the matter requires reconsideration in the light of recent judicial pronouncements, such as, the Supreme Court's judgment in **K.Umadevi's case** [cited supra], the Department would abide by the directions of this Court.

5. Upon perusal of the materials placed on record and considering the rival submissions, it is evident that the petitioner's application for maternity leave was rejected primarily on the ground that she has already two surviving children from her first marriage. However, this Court finds that the rejection order does not reflect any meaningful consideration of the petitioner's specific claim or the applicability of the judgment of the Hon'ble Apex Court in **K.Umadevi's case** [cited supra], which clarified that maternity leave is to be assessed in light of the employee's biological motherhood and not solely based on the number of surviving children irrespective of the context.



W.P.(MD)No.18564 of 2025

WEB COPY

6. The Hon'ble Supreme Court in **K.Umadevi's case** [cited supra]

emphasized that denial of maternity leave merely on account of the spouse's children from a previous marriage or in the absence of a uniform approach to interpreting service rules, would defeat the purpose of maternity benefits, which are aimed at protecting the rights and dignity of working women.

7. While this Court is conscious that service rules and Government Orders impose certain limits on the grant of maternity leave, it is equally important that such rules be applied in a fair and non-discriminatory manner. The rejection of maternity leave in the present case, without taking into account the specific facts and binding precedent, warrants reconsideration. However, rather than making a conclusive determination at this stage, this Court is of the opinion that the appropriate course of action would be to remit the matter back to the fourth respondent for a fresh consideration, after affording the petitioner an opportunity to present her case.

8. Accordingly, this Writ Petition is disposed of with the following directions:-



W.P.(MD)No.18564 of 2025

WEB COPY

(i) The impugned order dated 18.06.2025 is set aside.

(ii) The matter is remitted back to the fourth respondent for a fresh consideration of the petitioner's request for maternity leave from 16.05.2025 to 15.05.2026.

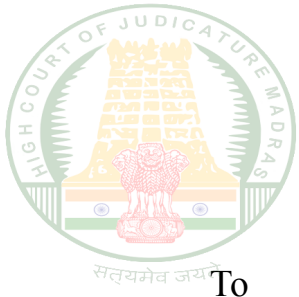
(iii) While considering the application afresh, the fourth respondent shall take into account the binding principles laid down by the Hon'ble Supreme Court in **K.Umadevi's case** [cited supra] and applicable rules governing maternity benefits.

(iv) The fourth respondent shall pass appropriate orders in considering the case of the petitioner on its own merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, after granting the petitioner a reasonable opportunity of personal hearing.

There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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W.P.(MD)No.18564 of 2025

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W.P.(MD)No.18564 of 2025

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W.P.(MD) No.18564 of 2025

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