



WP.No.2796 of 2026

M.DHANDAPANI, J.

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The matter is listed today under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner has joined duty on 10.07.2012 whereas in para-2 of the order, it is stated as 10.07.2025 and the same needs modification. Further, in the operative portion, this Court has granted four weeks time to the respondents to pass necessary orders and the same has not been mentioned in the order.

3. However, on the request made by the learned counsel for the petitioner, this Court is inclined to modify the joining date as 10.07.2012 in second paragraph of the order dated 02.02.2026 in the above said writ petition. Further, the operative portion of the order i.e. para No.6 is modified as follows:

"With the above observation, the impugned order passed by the 3rd respondent is set aside. As a sequel, there shall be a direction to the respondents to extend the benefit of Maternity leave to the petitioner as per her entitlement especially for a period between 27.11.2025 to 26.11.2026 with all attendant and service benefits available to the employee concerned and necessary orders to that effect be passed by the respondents within a period of two weeks from the date of receipt of a copy of this order."

4. Except the above modification, remaining portion of the order dated



02.02.2026 shall stand unaltered.

5. Registry is directed to modify the above order and issue a fresh order copy.

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12.02.2026

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Note to office: Issue order copy on 19.02.2026



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WP No. 2796 of 2026



M.DHANDAPANI,J.

Rli

WP.No.2796 of 2026

12.02.2026



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WP No. 2796 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 2796 of 2026
AND WMP NO. 3091 OF 2026**

T.Tamizhmathi

Petitioner(s)

Vs

1. Tamilnadu Generation and
Distribution Corporation Limited,
Rep. By its Chairman Managing
Director, NPDRR Maaligai, 10th Floor,
No 144 Anna Salai, Chennai 02

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 Superintending Engineer
Kallakurichi Electricity Distribution
Circle, Tamil Nadu Power Distribution
Corporation Limited,
Lions Club Building,
Kallakurichi 606 202.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 3rd respondnt bearing Ku A No 10645 / 597 / Ma. Po/ Ka. Mi pa Va / Kalai Ni. A / Ni. Pi I / U. 1 / Ko. Ma E / 2025 dated 24.12.2025 quash the same, and consequently direct the respondnets to grant maternity leave to the petitioner for the period form 27.11.2025 to 26.11.2026 within all attendant service and monetary benefits.



For Petitioner(s): Mr.S.D.Balamurugan
For Respondent: Mr.C.Manoharan

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ORDER

This Writ Petition has been filed challenging the impugned order passed by the 3rd respondent bearing Ku A No 10645 / 597 / Ma. Po/ Ka. Mi pa Va / Kalai Ni. A / Ni. Pi I / U. 1 / Ko. Ma E / 2025 dated 24.12.2025 and consequently direct the respondents to grant maternity leave to the petitioner for the period from 27.11.2025 to 26.11.2026 within all attendant service and monetary benefits.

2. The petitioner is working as the Manager at the office of the Superintending Engineer, Kallakurichi Electricity Distribution Circle, TANGEDCO and she was appointed on 06.07.2012 and joined duty on 10.07.2025. The petitioner gave birth to her first child prior to her entry into service. The petitioner's second pregnancy occurred during service and the petitioner was granted maternity leave. It is the case of the petitioner that she became pregnant again and she applied for maternity leave for third respondent vide application dated 02.12.2025. The said request was denied by the respondents on the ground that the Government servant is not entitled for maternity leave for the birth of third child.



3. The issue as to whether a Government Servant would be entitled for maternity leave for the birth of third child is no more *res integra*, in view of the judgment of the Hon'ble Division Bench of this Court in W.P.No.33539 of 2025 dated 04.09.2025 in the case of ***B.Ranjitha Vs. the Registrar General, High court of Madras, Chennai and others*** following the decision of the Hon'ble Supreme Court in the case of ***Umadevi Vs. Government of Tamil Nadu and others reported in 2025 SCC online SC 1204*** and the relevant paragraphs are extracted hereunder:-

"33.2. Thereafter, the matter travelled to this Court. This Court referred to Rule 43 of the 1972 Rules which deals with maternity leave. As per Rule 43(1), only a female Government servant with less than two surviving children may be granted maternity leave. This Court opined that provisions of Rule 43(1) must be imbued with a purposive construction. Since it is a beneficial legislation, it has to be construed with a purpose oriented approach and must receive a liberal construction to promote its objects. The courts must bridge the gap between law and society through the use of purposive interpretation. Though this Court acknowledged that the Maternity Benefit Act has no application to PGIMER as an establishment, yet for the purpose of adopting an approach which furthers legislative policy, referred to the provisions of the Maternity Benefit Act to derive some guidance therefrom. After an exhaustive analysis of Section 5 of the Maternity Benefit Act, this Court observed



that the said Act was enacted to secure women's right to maternity leave and to afford women with as much flexibility as possible to live an autonomous life, both as a mother and as a worker. Thereafter, this Court referred to the various international treaties and conventions.

33.3. In the facts of that case, this Court observed that spouse of the appellant had a prior marriage which had ended as a result of the death of his wife after which the appellant married him. However, what is relevant and important is the following declaration of this Court:

24.The fact that the appellant's spouse had 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.....

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.

34. Insofar the present case is concerned it is true that appellant has two biological children out of her first wedlock. But that was before entry into her service. Post entry into service and from her subsisting marriage, this is her first child. It has come on record that the two children out of her first wedlock are not residing with her but with their father, who is having their custody.

35. Policy of the State to arrest population growth by resorting to various population control measures is certainly a laudable objective. So is the objective of granting maternity benefit to women employees. The object of having two child norm as part of the measures to control population growth in the country and the object of providing maternity benefit to women employees including maternity leave in circumstances such as in the present case are not mutually exclusive. The two must be harmonized in a purposive and rationale manner to achieve the social objective. "

(Emphasis supplied)

4. Following the said judgment, this Court in the case of ***T.R.Lakshmi vs. the Secretary to Government, Human Resources Management Department, Secretariat, Chennai-9 and others*** in ***W.P.No.43598 of 2025 dated 17.11.2025***, has passed an interim order granting the petitioner maternity leave for the birth



of third child. The operative portion of the order is extracted hereunder:

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"There shall be a direction to the respondents to permit the petitioner to avail the Maternity Leave as applicable to other pregnant women in case of their first or second pregnancy with all other service benefits arising out of maternity leave for which the petitioner would be entitled to.

(ii) The validity of proviso to Rule 101 (a) of the Tamil Nadu Fundamental Rules would be decided later on in the final hearing of the writ petition."

5. In the present case, it is borne out by record that before entering into the services of the State, the petitioner had given birth to her first child and the second child was born after entry into service. Thereafter the petitioner consummated for the third time for which maternity leave was rejected. It is to be pointed out that the issue was the subject matter of the cases aforesaid and this Court in the decision held that the petitioner already has two children, of which the first child was born before entry of the petitioner into service which is squarely covered by the decision in Lakshmi case (Supra). Therefore, applying the ratio laid down in **Lakshmi Case (supra)**, irrespective of the fact that the child is the third child of the petitioner, she cannot be denied the benefit of maternity leave, but it would however be subject to the decision in *Lakshmi case (supra)*.



6. With the above observations, the impugned order passed by the 3rd respondent is set aside and accordingly, writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02-02-2026

Rli

Note: Issue order copy on 10.02.2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Tamilnadu Generation and
Distribution Corporation Limited,
Rep. By its Chairman Managing
Director, Npkrr Maaligai, 10th Floor,
No 144 Anna Salai, Chennai 02

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 Superintending Engineer
Kallakurichi Electricity Distribution
Circle, Tamil Nadu Power Distribution
Corporation Limited, Lion Club
Building, Kallakurichi 606 202



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