

**(2018) 07 CHH CK 0382**

**Chhattisgarh High Court**

**Case No:** Writ Petition (S) No. 4868 Of 2018

Sangita Mishra

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

**Date of Decision:** July 31, 2018

**Hon'ble Judges:** P. Sam Koshy, J

**Bench:** Single Bench

**Advocate:** Vimlesh Bajpai, Syed Majid Ali

**Final Decision:** Disposed Of

**Judgement**

P. Sam Koshy, J

1. Heard.

2. The only issue arising for consideration in this petition is whether a contractual employee is entitled to same period of maternity leave as a regular

employee. This issue is no longer res integra in view of the order dated 27-02-2017 passed by this Court in the case of Devshree Bandhe vs.

Chhattisgarh State Power Holding Company Limited and others (WPSNo.101/2017) , wherein it has been clearly held that irrespective of the nature

of employment, a lady employee would be entitled to 180 days of maternity leave, which is applicable to a regular employee. It is not in dispute, in

view of the circular dated 25-05-2016 of the State Government that after amendment of Chhattisgarh Civil Services (Leave) Rules, 2010, maternity

leave can be granted for a period of 180 days.

3. In the present case, the petitioner's application for grant of maternity leave of 180 days has been rejected only on the ground that she is a

contractual employee. It is not tenable in the eye of law, in view of the recent pronouncement of this Court in the case of Devshree Bandhe (supra),

the impugned order cannot be sustained and the same is hereby set aside. The petitioner would be entitled to maternity leave for a period of 180 days.

This order may be placed by the petitioner before the respondent for necessary compliance.

4. In view of above, the petition is finally disposed off.