

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1339/2001

New Delhi this the 6th day of November, 2001. 8

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Dr. (Mrs.) Manju Goel),
R/o F.IU-39, Pitam Pura,
New Delhi.

-Applicant

(By Advocate Shri U. Srivastava)

-Versus-

Govt. of N.C.T. of Delhi through:

1. The Chief Secretary,
5, Sharnath Marg, New Delhi.
2. The Medical Supdt.,
Sanjay Gandhi Memorial Hospital,
Mangol Puri,
New Delhi.

-Respondents

(By Advocate Shri Amit Rathi, proxy for Sh. Devesh Singhm
Counsel)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Heard the parties. The claim of the applicant is for grant of salary for the maternity leave period and also allow her to resume duties for the remaining period of extended tenure.

2. The applicant was engaged for 89 days and what period was extended from time to time. The applicant made a representation for accord of maternity leave and the same was considered and the leave was sanctioned for a period of four and a half months. The applicant reported for duty after availing the maternity leave and claimed salary for the period as per the rules. It is contended that the same has not been paid and the applicant is not allowed to resume duties for the remaining period of 89 days for which she was engaged by the respondents on ad hoc basis. It is also contended that another incumbent has

been put on ad hoc basis replacing the applicant which is not permissible as held by the Apex Court in State of Haryana v. Piyara Singh, 1992 (3) SLJ 34. The learned counsel for the respondents has filed a reply which is taken on record.

3. I have carefully considered the rival contentions of the parties and perused the material on record. The same issue has cropped up in OA-171/97 in Dr. Rashmi Jain v. Govt. of N.C.T. Delhi & Anr. and by an order dated 24.1.97 the directions have been issued to consider the request of the applicant and to pass reasoned order and the same may be communicated to the applicant therein for grant of maternity leave and and resuming of her duty for remaining tenure on the basis of a decision of this court in OA-2370/92 dated 3.2.93. I also find that this court by an order dated 8.10.99 in OA-2442/99 in the case of Dr. Renu Dass v. Govt. of N.C.T. of Delhi and Ors., has also placed reliance on a decision of Dr. (Mrs.) Ravinder Kaur v. Govt. of NCT of Delhi accorded the same relief by rejecting the orders of the respondents and directed them to consider the decision of Ravinder Kaur wherein the salary in lieu of maternity leave was accorded to the applicant therein.

4. Having regard to the decisions of coordinate Benches of this Court, which mutatis mutandis apply to the facts and circumstances of the present case, the present OA is disposed of at the admission stage itself by directing the respondents to consider the claim of the applicant for grant of salary for the period of maternity leave and also her request to resume duty for the remaining period of extended tenure. The respondents shall pass a detailed and

speaking order, having regard to the observations made above, within a period of two months from the date of receipt of this order. No costs.

S. Raju

(Shanker Raju)
Member (J)

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