

Central Administrative Tribunal Principal Bench

**OA No.100/1065/2020
MA No.1311/2020**

New Delhi, this the 17th day of August, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. Arti Agarwal

Aged about 32 years,

W/o. Dr. Manish Kumar Gupta

R/o. 28, Laxminagar, Sikandra, Agra UP

Post : Senior Resident Doctor

Group – A

....Applicant

(By Advocate : Mr. Anuj Aggarwal)

Versus

1. Govind Ballabh Pant Institute of Postgraduate Medical Education and Research
Through its Medical Superintendent
1, Jawaharlal Nehru Marg, 64 Khamba,
Raj Ghat, New Delhi, Delhi 110 002.
2. Department of Health and Family Welfare
Through its Secretary,
Govt. of NCT of Delhi
9th Floor, B-Wing, Sachivalaya,
I.P. Estate, New Delhi – 110 002.Respondents

(By Advocate : Ms. Esha Mazumdar)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant was appointed as a Senior Resident Pathologist in the Govind Ballabh Pant Institute of Postgraduate Medical Education and Research, the 1st respondent herein, w.e.f. 01.08.2019. She applied for Maternity Leave from 14.05.2020 onwards. Through office order dated 22.07.2020, the 1st respondent informed the applicant that she has been granted the maternity leave for 73 days from 14.05.2020 to 25.07.2020.

2. The grievance of the applicant is that though she is entitled to be extended the maternity leave of 182 days/26 weeks, she was denied that benefit. She made representation on 05.08.2020 in this behalf.

3. This OA is filed challenging the office order dated 22.07.2020.

4. We heard Shri Anuj Aggarwal, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents.

5. The appointment of the applicant was on contractual basis. The question is as to whether she was entitled for maternity leave spilling beyond the initial period of contract needs to be examined. The respondents seem to have worked out the entitlement of the leave till the expiry of the initial contract period of one year. Though the applicant made a representation on 05.08.2020, we are sorry to mention that it is grammatically unsound, bereft of necessary facts and not made with the amount of seriousness which, the subject warranted. A medical professional as the applicant should have exhibited more amount of care and caution, particularly in matters which concerns her own personal rights.

6. We, therefore, dispose of the OA directing that it shall be open to the applicant to make a representation, which contains relevant facts and in a printed form without any grammatical mistakes,

within a period of four weeks from today. On receipt of such a representation, the respondents shall pass an order within four weeks thereafter.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/sd