

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

OA No.1242/2018

This the 27<sup>th</sup> day of March, 2018

**Hon'ble Shri K N Shrivastava, Member(A)**

Dr. Hina Thapliyal, Age 33 years  
W/o Dr. Roshan Kumar  
R/o A-405, Panchsheel Apartment  
Plot No.24, Sector4, Dwarka  
New Delhi-110075.

...Applicant

(By Advocate: Shri Kumud Shekhar)

Versus

1. Govt. of NCT of Delhi  
Through its Secretary  
Department of Health and Family Welfare  
9<sup>th</sup> Level, A Wing  
Delhi Secretariat, IP Estate  
New Delhi-110002.

2. The Director  
Directorate of Health Services  
Govt. of NCT of Delhi  
F-17, Karkardooma  
Delhi-110017.

3. Medical Superintendent  
Jag Pravesh Chandra Hospital  
Shashtri Park, Delhi-110053.

....Respondents

**O R D E R (ORAL)**

The applicant was engaged by respondent No.3 as Senior Resident against a vacant post carrying pay scale of Rs.15600-39100 + Grade Pay of Rs.6600/- in PB-3, vide the

Annexure A-3 order dated 14.10.2016. The terms of appointment reveal that her appointment was initially for a period of 89 days or till regular candidate joins.

2. The applicant continued to work as Senior Resident till she went on maternity leave on 01.08.2017 which was sanctioned by respondent No.3 vide order dated 22.09.2017. This order sanctioned her maternity leave of only 69 days. The applicant vide her Annexure A-2 letter dated 04.10.2017 requested respondent No.3 to extend her maternity leave period but there was no response.

4. Learned counsel for the applicant submitted that after availing maternity leave of 26 weeks ending on 31.01.2018 when she approached the respondent No.3 for reporting, she was not allowed to join. The applicant thereafter got an offer of appointment as Senior Resident from Janak Puri Super Specialty Hospital, New Delhi which is also owned by Govt. of NCT of Delhi. She accordingly joined the new hospital on 24.03.2018.

5. The grievance of the applicant is that vide the Maternity Benefit (Amendment) Act 2017, the period of maternity leave has been extended from 12 weeks to 26 weeks. It is further stated that the Ministry of Labour and Employment,

Government of India vide the Annexure A-5 letter dated 12.04.2017 has sent intimation in this regard to all the States and Union Territories. It is thus stated that Govt. of NCT of Delhi is also obliged to implement this amendment and as such, the applicant is entitled for getting maternity leave of 26 weeks. Learned counsel further submitted that the applicant would be satisfied if a time bound direction is given to respondent No.3 to consider her request made in her Annexure A-2 letter dated 04.10.2017 and grant her maternity leave benefits upto the prescribed maximum period of 26 weeks in terms of the Maternity Benefit (Amendment) Act, 2017.

6. Having regard to the submissions made, this OA is disposed of with a direction to respondent No.3 to consider the annexure A-2 representation of the applicant dated 04.10.2017 and dispose it of in terms of Annexure A-5 letter dated 12.04.2017 issued by Govt. of India to all States and Union Territories, within a period of six weeks. The applicant is also given liberty to make another supplementary representation on this issue, if so desired, within a period of one week. The respondent No.3 shall dispose of the supplementary representation of the applicant together with

the Annexure A-2 application, within the time framed by way of passing a reasoned and speaking order.

Order **dasti**.

**(K. N. Shrivastava)**  
**Member (A)**

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