

Central Administrative Tribunal
Jammu Bench, Jammu

Hearing through video conferencing

Original Application No. 61/1707/2022

This the 13th day of December, 2022

Hon'ble Mr. Suresh Kumar Batra, Member (J)



1. Jyoti Devi, Aged 35 years, D/o Puran Singh, R/o H. No. 313 AD Ward No. 7, Chandan Vihar, Muthi 181205, Jammu.
2. Pooja Gupta, Aged 35 years, D/o Sham Prashad, R/o. H. No. 340, Canal Road, Shakti Nagar, 180016, Jammu.
3. Shawalika Devi, Aged 34 years, D/o Baldev Singh, R/o Sarobhag Udrana, Tehsil Bhaderwah, District Doda-182202.
4. Prity Devi, Aged 30 years, D/o Raj Kumar, R/o Nandpur, District Samba-184121.
5. Manmeet Kour, Aged 33 years, D/o Joginder Singh, R/o railway Patri Tali Morh, Mirah Sahib-180009, Jammu.
6. Shivani Verma, Aged 29 years, D/o Ashok Kumar, R/o Sohal Tehsil Akhnoor-181201. District Jammu.
7. Rashi Sharma, Age 29 years, D/o Inderjeet Sharma, R/o Block No. 5, Quarter No. 2, Police Line, Gandhi Nagar, Jammu-180004.
8. Meenakshi Choudhary, Age 31 years, D/o Faquir Chand, R/o Village Lahouri Chak, Ghou Manashan, Tehsil Marh-181122, District Jammu.
9. Pallavi Gupta, Age 30 years, D/o Harish Gupta, R/o Village Ari Tehsil Mendhar, District Poonch-185101.
10. Vandana Devi, Age – 28 years, D/o Subash Chander, D/o Subash Chander, R/o Village Talwara, Tehsil and District Reasi-182311.
11. Priya Rani, Age 30 years, D/o Kuldeep Raj, R/o Akhnoor, District Jammu-181201.
12. Mamta Bhatti, Age 33 years, D/o Prem Lal, R/o Village Malpur, Post Office Bathera, District Jammu-181201.

...Applicants

(Through Advocate: Mr. Aditya Sharma and Mr. Sumit Nayyar)

Versus

1. UT of J&K through Secretary to Government Health & Medical Education Deptt, Civil Secretariat, Jammu/Srinagar-180001.
2. Principal, Government Medical College, Jammu-180001.

...Respondents

(Through Advocate: Mr. Sudesh Magotra, Ld. A.A.G.)

ORDER

Mr. Aditya Sharma and Mr. Sumit Nayyar, Ld. Counsels for applicants and Mr. Sudesh Magotra, Ld. A.A.G. for respondents are present.



2. M.A. No. 61/1047/2022 has been filed by applicants under Rule 4(5) of Central Administrative Tribunal (Procedure) Rules, 1987 seeking permission of this Tribunal to join together and file a single application. Heard. As the cause and nature of relief as prayed for by all the applicants is similar, the M.A. is allowed.

3. By way of instant O.A., the applicants are seeking a direction to respondents to grant maternity leave under Rule 41(1) of the J&K Civil Services (Leave) Rules, 1979 with all consequential benefits as are available and extended to regular employees.

4. Ld. Counsels for applicants submitted that the applicants were appointed as Junior Grade Nurse on academic arrangement basis after facing selection process in the year 2017. During the currency of their employment with the respondents, the applicants, being married females, developed pregnancies and submitted their respective applications for grant of maternity leave to Respondent No. 2. Although no formal orders declining or rejecting the maternity leave of the applicants have been passed by respondents, yet the applicants have been verbally informed that because of nature of their engagement being on academic arrangement basis, they are not entitled to any sort of maternity leave. It has been submitted that as per Rule 41 (1) of Jammu and Kashmir Civil Services (Leave) Rules, 1979, the applicants are entitled for maternity leave.

5. Ld. Counsels for applicants submitted that the grievance of the applicants would be redressed, if a direction is issued to respondents

to treat a copy of this O.A. as representation of applicants and decide the same within stipulated time frame.



6. Ld. A.A.G. appearing for respondents conceded the limited prayer made by Ld. Counsel for applicants for disposal of the O.A.

7. I have considered the submissions made by the Ld. Counsels for both the sides and perused the material on record. Without expressing any opinion on the merits of the case, the O.A. is disposed of with direction to respondents to treat a copy of this O.A. as representation of applicants for grant of maternity leave without deduction of their monthly wages and decide the same, as per relevant rules and other instructions on the subject, by passing a reasoned and speaking order within a period of four weeks from the date of receipt of a certified copy of this order. A copy of the speaking order shall be communicated to the applicants within one week thereafter.

8. With the above direction, the O.A. stands disposed of. No costs.

(Suresh Kumar Batra)
Member (J)

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