



IN THE HIGH COURT OF JHARKHAND AT RANCHI

2022.JHHC:39181

W.P. (S) No. 3414 of 2022

Richa Verma.....

Petitioner(s)

Versus

1. The State of Jharkhand
2. The Principal Secretary, Rural Development, Jharkhand
3. The Divisional Commissioner, Palamau at Daltonganj
4. The Deputy Commissioner, Garhwa
5. The Deputy Development Commissioner, Garhwa
6. The Director, District Rural Development Authority, Garhwa.....

Respondents

Coram: Hon'ble Mr. Justice Ananda Sen

For the Petitioner

: Mr. Aman Kumar, Advocate

For the Respondents

: Mr. Suraj Prakash, AC to SC-VII

4/24.11.2022 The petitioner, in this writ application, prays for a direction upon the respondents to pay arrears of honorarium for the period from 16.12.2019 to 16.04.2020, i.e. the period in which the petitioner was on maternity leave.

Counsel for the respondents submits that the petitioner is not entitled for the aforesaid relief as D.R.D.A. Appointment, Condition of Service & Duty Manual, 2009, provides that no other leave will be admissible except the leaves, which will be governed as per the Calendar.

Right to get maternity leave derives from the Maternity Benefit Act, 1961. Section 2 of the said Act deals with applicability of the cases where the maternity leave is to be granted. All the establishments belong to the Government must comply the provision of the aforesaid Act. Any rule, which is inconsistent with the Maternity Benefit Act, 1961, cannot be applied. Since, the Act provides for grant of leave, the petitioner should be granted the leave, if actually she was on maternity leave. If the honorarium has not been paid during the aforesaid period, the same should be paid to the petitioner immediately within a period of six weeks from today.

Thus, this writ application stands allowed.

(Ananda Sen, J)