

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 128 / 2019 (S.B.)**

Dr. Ashwini Darokar,
Aged about 36 years, Occupation - Earlier working as Asst.
Professor in Physiology Department Indira Gandhi
Government Medical College at Nagpur.
R/o Vrindavan Vihar, Flat No. 302, Jagnade Sq. Nandanwan,
Nagpur.

Applicant

Versus

- 1) State of Maharashtra,
through its Secretary for
Medical Education and Drugs Department,
Mantralaya, Mumbai- 32.
- 2) Director, Medical Education and Research,
Dental College area, P.Dmello Road, Fort,
Mumbai-1.
- 3) Dean, Indira Gandhi Government Medical College,
Nagpur.

Respondents

Shri S.A.Marathe, the Id. Advocate for the applicant.

Shri A.P.Potnis, the Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Shree Bhagwan, Vice Chairman.

JUDGMENT

Judgment is reserved on 05th December, 2019.

Judgment is pronounced on 03rd January, 2020.

Heard Shri S.A.Marathe, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. Applicant is Doctor of Medicine in Physiology subject. She worked as an Assistant Professor in I.G.M.C. Nagpur on ad-hoc basis. She was selected by duly constituted selection board.

3. Applicant took maternity leave which was sanctioned by the Dean vide order dated 30.07.2018 (Annexure-A-1, P.B., Pg. No. 14) from 04.06.2018 to 16.08.2018 (74 days). The leave of this period was sanctioned as leave without pay. Again thereafter for medical reasons she was to take leave for the period 05.09.2018 to 30.11.2018 (87 days) by order dated 26.09.2019 (Annexure-A-2, P.B., Pg. No. 15). Vide letter no. 26.09.2018 (Annexure-A2, P.B, Pg. No. 15) respondent no. 3 i.e. Dean, I.G.M.C. had asked clarification from Professor and H.O.D. of the concerned department. Though the applicant is working on ad-hoc basis as per letter dated 29/08/2018 (Annexure-A-3, P.B. Pg. No. 16) and she was continued in service till 29/12/2018.

4. The Id. Counsel for the applicant relied upon the provisions contained in G.R. dated 15.01.2016 (Annexure-A-10, P.B., Pg. No. 40). As per this G.R. the applicant is entitled for maternity leave. The Id. Counsel for the applicant has also relied upon the order of this Tribunal in O.A. No. 936/2018, which is filed on record. The respondents have filed their reply and at P.B., Pg. No. 48, they have given following tables in para no. 6 at P.B., Pg. No. 48 of the reply is reproduced below:-

v- dz	fu; Ørh vkns kkpik dkyko/kh	j t.pik dkyko/kh	'kjk
1	12.10.2015 to 08.02.2016	03.02.2016 to 09.02.2016	LPW

2	10.06.2016 to 16.02.2017	07.09.2016 to 17.09.2016	Medical Leave
3	20.10.2016 to 16.02.2017	01.02.2017 to 16.02.2017	Medical Leave

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4	23.08.2017 to 20.12.2017	16.11.2017 to 23.11.2017	E.L.
		24.11.2017 to 30.11.2017	LPW
		01.12.2017 to 05.12.2017	LPW
5	23.04.2018 to 20.08.2018	04.06.2018 to 16.08.2018	Maternity leave
6	01.09.2018 to 29.12.2018	05.09.2018 to 30.11.2018	Maternity leave

5. By above tables and letter dated 28.08.2018 (Annexure-A-3, P.B., Pg. No. 16), it is clear that applicant was in service till 29/12/2018 and applicant's request of maternity leave is for the period between 04.06.2018 to 16.08.2018 (74 days) and 05.09.2018 to 30.11.2018 (87 days) are well within her appointment period i.e. upto 29/12/2018 and it is also covered vide G.R. dated 15.01.2016 (Annexure-A-10, P.B., Pg. No. 40) regarding maternity leave.

6. In view of this following order:-

ORDER

(i)The O.A. is allowed in terms of prayer clauses 8 (i), (ii) and (iii) of the O.A.

(ii)The respondents are directed to sanction maternity leave and pay for that **within three months** from the date of this order.

(iii)No order as to costs.

(Shri Shree Bhagwan)
Vice Chairman

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/01/2020.

and pronounced on

Uploaded on : 04/01/2020.