
(2009) 09 RAJ CK 0067
In the Rajasthan High Court

Smt. Neetu Bohara

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 09-09-2009

Acts Referred:

Rajasthan Service Rules, 1951 — Rule 103

Citation : (2010) 1 WLN 420

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Govind Mathur, J.—By the order dated 03.11.2003, an appointment was given to the petitioner as Nurse Grade II at the consolidated salary of Rs. 4,500/-. The petitioner availed maternity leave from 1.12.2006 to 14.04.2007. By an application dated 15.04.2007, the petitioner claimed for maternity leave encashment, however, the same was not allowed on the count that the petitioner was employed on contract basis.

2. Learned Counsel for the petitioner submits that Rule 103 of the Rajasthan Service Rules, 1951 nowhere makes any distinction in the government servants so far as maternity leave encashment is concerned. Reliance is placed by learned Counsel for the petitioner upon a decision of co-ordinate Bench of this Court in *Vimla Rani v. State of Rajasthan and Ors.* SBCWP No. 890/2007, wherein this Court held that a person employed on contract basis is also entitled to receive maternity leave encashment as per provisions of Rule 103 of the Rules of 1951.

3. On examination of the facts averred in the writ petition, I am satisfied that the controversy involved in this petition for writ is squarely covered by the ratio laid down by this Court in *Vimla Rani's* case (supra).

4. Accordingly, this petition for writ is allowed. The respondents are directed to extend the benefit of maternity leave encashment to the petitioner. Such encashment is required to be made within a period of three months from today.

No order as to cost.