

R.O.C.No.1474/2015/C2

P.Dis.No. 55 /2015

Copy of Government Letter (Ms) No. 13965/FR-3/2015, dt 20.04.2015, is communicated for information and taking necessary action.

HIGH COURT, MADRAS.

DATED: 5 .06.2015

SUB ASST. REGISTRAR (A/C) (i/c)

To

- 01.All the Registrars, High Court, Madras & Madurai Bench of Madras High Court, Madurai.
- 02.All the Principal District Judges.
- 03.All the Chief Judicial Magistrates.
- 04.The Principal Judge, City Civil Court, Chennai.
- 05.The Chief Judge, Court of Small Causes, Chennai.
- 06.The Administrator General & Official Trustee of Tamil Nadu, Chennai.
- 07.The Director, Tamil Nadu Judicial Academy, No.30(95), Malligai, P.S.K.R. Salai, R.A. Puram, Chennai -28.
- 08.The Chief Metropolitan Magistrate, Egmore, Chennai.
- 09.The Presiding Officers of Labour Courts, Chennai, Madurai, Coimbatore, Tirunelveli, Tiruchirappalli, Salem, Vellore and Cuddalore.
- 10.The Presiding Officer, Industrial Tribunal, Chennai.
- 11.The Principal Judge, Family Court, Chennai.
- 12.The Judge, Family Court, Madurai, Coimbatore, Salem & Pudukkottai.
- 13.The Presiding Officer, Special Court for EC & NDPS Act Cases, Chennai, Coimbatore, Salem, Madurai, Thanjavur & Pudukkottai.
- 14.The Sessions Judge, Special Court for Bomb Blast Cases, Chennai @ Poonamallee & Coimbatore.
- 15.The Special Judge, Special Court under TNPID Act, Chennai – 104.
- 16.The City Government Pleader, City Civil Court Buildings, Chennai.
- 17.The Sessions Judge, Mahalir Neethimandran, Chennai, Cuddalore, Coimbatore, Madurai, Perambalur, Salem, Tirunelveli and Pudukkottai.

Copy to:-

- 01.The Chief Accounts Officer, High Court, Madras & Madurai Bench of Madras High Court, Madurai.
- 02.The Librarian, High Court, Madras & Madurai Bench of Madras High Court, Madurai.
- 03.The Section Officers, "B" Section, J Section, Estt. Section, High Court, Madras
- 04.The Section Officers, "B" Section, "C" Section, J Section, Estt. Section, Madurai Bench of Madras High Court, Madurai.
- 05.The Record Keeper, A.D. Records, High Court, Madras & Madurai Bench of Madras High Court, Madurai.

Endt. in R.No.6289, Dated: 12.06.2015

Copy communicated to all the Courts in Tiruchirappalli District for information and taking necessary action.

District Court,
Tiruchirappalli.
Dt: 18.06.2015

D.No: 4669
18.6.15

Sd./- C. Raghavan.
Principal District Judge,
Tiruchirappalli.
/True Copy/Forwarded/

18.6.15



Personnel and Administrative
Reforms (FR-III) Department
Secretariat,
Chennai-600 009.

Government Letter (Ms) No.13965 /FR-3/2015, dated 20.04/2015

From
Tmt. Anita Praveen, I.A.S.,
Principal Secretary to Government (Training).



To
All Secretaries to Government, Chennai-9.
All Departments of Secretariat, Chennai-9.
All Heads of Departments including District Collectors / District Judges / District Magistrates.
The Secretary, Tamil Nadu Public Service Commission, Chennai-104.
The Registrar General, High Court of Madras, Chennai-104.
The Registrar, Madurai Bench, High Court of Madras, Madurai.
The Works Manager, Government Central Press, Chennai-79.
The Director of Stationery and Printing, Chennai-99.
The Personnel and Administrative Reforms (AR-II) Department, Chennai-9,
(to publish in the internet / intranet).

Sir,

Sub: Rules – Sanction of Maternity Leave to Married Women Government Servants under Rule 101(a) of Fundamental Rules – Consolidated Guidelines – Issued.

- Ref:
1. G.O. (Ms) No.237, Personnel and Administrative Reforms (FR-III) Department, dated 29.06.1993.
 2. G.O. (Ms) No.51, Personnel and Administrative Reforms (FR-III) Department, dated 16.05.2011.
 3. G.O. (Ms) No.138, Personnel and Administrative Reforms (FR-III) Department, dated 19.11.2013.
 4. Government Letter No.35660/FR-III/89-7, Personnel and Administrative Reforms (FR-III) Department, dated 01.12.1989.

Based on the recommendations of the Tamil Nadu Third Pay Commission and on par with Central Government Employees, orders were issued in the Government Order first cited above, to the effect that a Married Women Government Servant with less than two surviving children be allowed Maternity Leave for a period of 90 (Ninety) days, from the date of commencement and leave not exceeding six weeks, for miscarriage.

2. In the Government Order second cited, the above Maternity Leave has been enhanced to 180 days, and the relevant Rule provisions i.e. Rule 101(a) of the Fundamental Rule has been amended to the above effect in the Government order third cited.

3. As repeated clarifications from various Government Departments are being received in this Department, the following consolidated guidelines are issued with regard to 'Maternity Leave' on full pay to Married Women Government Servants in accordance with 101(a) of the Fundamental Rule:-

I - MATERNITY:-

Permanent Married Women Government Servants i.e. approved probationers, in a service, with less than two surviving children, excluding adopted children, may be granted 180 days (6 months) Maternity Leave by the competent authority, which may be availed between pre-confinement rest to post-confinement recuperation, at the option of the Government Servant.

- (ii) Non-permanent Married Women Government Servants i.e. probationers, in a service with less than two surviving children, excluding adopted children, whether appointed under regular capacity through Tamil Nadu Public Service Commission / Uniform Services Recruitment Board/ Teachers Recruitment Board/ Medical Services Recruitment Board, Employment Exchange, etc., or under emergency provisions of the relevant service rules should take, for maternity purpose, the Earned Leave at her credit. Maternity Leave may be granted for a period of not exceeding 180 days or for the period that falls short of 180 days, after availing the Earned Leave, as the case may be.
- (iii). Non-permanent Married Women Government Servants, employed under the emergency provisions i.e. temporarily, should have completed one year of continuous service, including leave periods, if any, to become eligible for grant of Maternity Leave of 180 days as above.

II- ABORTION:-

- (iv) Competent Authority may grant maternity leave on average pay to Permanent Married Women Government Servants i.e. approved probationers in cases of abortion also for a period, which may extend to six weeks.
- (v) A Non-permanent Married Woman Government Servant i.e. probationers whether appointed in a regular capacity through Tamil Nadu Public Service Commission / Uniform Services Recruitment Board / Teachers Recruitment Board / Medical Services Recruitment Board, Employment Exchange, etc., or under the emergency provisions of the relevant service rules, should take, in such cases, ordinary leave on average pay for which she may be eligible. If, however, such a Government servant is not eligible for any leave on average pay, or if the leave to her credit is less than six weeks, maternity leave may be granted for a period not exceeding six weeks or for the period that falls short of six weeks as the case may be.
- (vi) Non-permanent Married Women Government servants employed under the emergency provisions i.e. temporarily, should have completed one year of continuous service, including leave periods, if any, to become eligible for the grant of maternity leave of six weeks, as above.

4. The grant of leave is also subject to the following further conditions:—

- (i) Unless, an abortion takes place in a Government hospital or Local fund or Municipal hospital or in a recognised Nursing Home and the respective medical officer-in-charge of the institutions certifies that the abortion took place after 12 weeks of pregnancy, the leave should not be granted.
- (ii) Where there are no hospital facilities, women Government servants should appear before the authorised medical attendant when the sign of abortion still exists or go to him for antenatal examination after 12 weeks of pregnancy, so that the authorised medical attendant may be in a position to issue the necessary certificate.
- (iii) In the case of Married Woman Police Personnel, Leave may be granted for 'spontaneous abortion' from the seventh week of pregnancy. The term "Spontaneous abortion" refers to the loss of a non-viable foetus during pregnancy in naturally occurring events, not elective or due to therapeutic abortion procedures.
- (iv) In the case of maternity leave for miscarriage or abortion, the certificate from a Registered Medical Practitioner authorised under the Medical Termination of Pregnancy Act, 1971 (Central Act. 34 of 1971) may be accepted.

III – MEDICAL TERMINATION OF PREGNENCY:-

- (v) A Competent Authority may grant maternity leave of not exceeding six weeks to Permanent Married Women Government servants, i.e Approved Probationers who undergo medical termination of pregnancy of 12 weeks or more but not exceeding 20 weeks under the Medical Termination of Pregnancy Act, 1971 (Central Act 34 of 1971).
- (vi) A Non-Permanent Married Woman Government. Servant i.e Probationers in a service whether appointed in a regular capacity or under the emergency provisions of the relevant service rules through Tamil Nadu Public Service Commission / Uniform Services Recruitment Board/ Teachers Recruitment Board/ Medical Services Recruitment Board, Employment Exchange etc., who undergoes medical termination of pregnancy of 12 weeks or more but not exceeding 20 weeks under the Medical Termination of Pregnancy Act, 1971 (Central Act 34 of 1971) should take earned leave for which she is eligible. If, however, such a Government servant is not eligible for any earned leave or if the leave to her credit is less than six weeks, then the competent authority may grant maternity leave for a period of not exceeding six weeks or for the period which falls short of six weeks, as the case may be.
- (vii) Non-Permanent Married Women Government Servants employed under the emergency provisions i.e temporarily, should have completed one year of continuous service, including leave periods, if any, to become eligible for the grant of Maternity Leave as above.

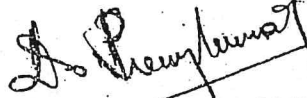
- (viii) The grant of maternity leave for six weeks is subject to the conditions that the termination of pregnancy shall be performed at Government Hospitals or other institutions approved under the Medical Termination of Pregnancy Act, 1971 (Central Act 34 of 1971).
- (ix) Maternity Leave not exceeding six weeks for miscarriage, including natural abortion or medical termination of Pregnancy under the medical Termination of Pregnancy Act, 1971 (Central Act 30 of 1971) shall be granted to a woman Government Servant, irrespective of number of surviving children, on production of medical certificate.
- (x) leave of any kind due and admissible under the rules may be granted upto a maximum period of one year, in continuation of maternity leave, if leave applied for is supported by a medical certificate.
- (xi) Leave of any other kind in continuation of maternity leave may also be granted in case of illness of a newly born baby, subject to the female Government servant producing a medical certificate from the authorised medical attendant to the effect that the condition of the ailing baby warrants mother's personal attention and her presence by the baby's side is absolutely necessary.

IV – STILL BORN:-

- (xii) Married Women Government Servants who delivers a 'Still Born' child (Dead at Birth) is also eligible for Maternity Leave of 90 (Ninety) days.
- (xiii) All Heads of Departments and other Competent Authorities may grant Maternity Leave to Women Government Servants, under their control.

5. The competent authorities in the Government Departments are directed to follow the above consolidated guidelines scrupulously, at the time of sanction of Maternity Leave to Married Women Government Servants.

Yours faithfully,

 20/04/2015

for PRINCIPAL SECRETARY TO GOVERNMENT (Training)

20.4.15

Copy to :

The Private Secretary to Principal Secretary to Government, Personnel and Administrative Reforms (Training) Department, Chennai-9.

The Private Secretary to Principal Secretary to Government, Personnel and Administrative Reforms Department, Chennai-9.

All Sections / All Officers in Personnel and Administrative Reforms Department, Chennai-9.
SF/SC.