

GOVERNMENT OF TAMIL NADU

ABSTRACT

Tamil Nadu Leave Rules - Maternity Leave - Restriction of Maternity Leave to women having two living children as in the case of Central Government Employees - orders - Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (FR.III) DEPARTMENT

G.O.Ms.No.237

Dated: 29.6.1993

- Read:
1. G.o.Ms.No.279, P&A.R. (FR.II) Department, dated 11.3.1980.
 2. G.O.Ms.No.93, P&A.R. (FR.II) Department, dated 4.2.1981.
 3. G.O.Ms.No.891, P&A.R. (FR.III) Department, dated 9.6.1986.
 4. G.O.Ms.No.113, P&A.R. (FR.III) Department, dated 10.2.1987.
 5. Govt. of India letter No. 23011/42/91-Ply, Ministry of Health and Family Welfare Department of Family Welfare, dated 1.4.92.

ORDER:

The proposal of extending the restriction in the sanction of maternity leave in respect of Central Government employees to State Government employees also, upto two children instead of three children, has been engaging the attention of the Government for quite some time.

2. Based on the recommendation of the Third Tamil Nadu Pay Commission, orders were issued in the Government Order first read above for enhancement of maternity leave from 2 months to 90 days and also restricting the leave to married women Government Employees having three children. Orders were also issued in the Government Order second read above that maternity leave may be allowed to married women Government servants for their third confinement also, if they are having two living children and no maternity leave is allowed for the confinement of the Government servant who is already having three living children. In the Government Order third read above orders were issued that the married Government Employees having two living children shall be granted Maternity Leave for the next confinement only if they give an undertaking that they would resort to sterilization immediately after delivery and that if after delivery they fail to keep up their undertaking the, Maternity leave granted shall be cancelled.

3. In the Government Order fourth read above orders were issued that in the case of women Government servants with two living children, maternity leave of six weeks for natural abortion or abortion under Medical Termination of Pregnancy Act may be granted for two times with a condition to under go sterilization permanently for the grant of this leave for the second time. In the case of women Government servants with one child, Maternity leave of six weeks for Natural abortion or abortion under Medical Termination of Pregnancy Act may be granted for three times with a condition to undergo sterilization permanently for the grant of this leave for the third time. In the case of women Government servants with no child, maternity leave of six weeks for natural abortion or abortion under Medical Termination of Pregnancy Act may be granted for two times only.

4. The Government of India have introduced the following rule in the existing rule 43 of Central Civil Services (Leave) Rules, 1972.

Maternity leave

- 1) A female Government servant (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 90 days from the date of its commencement.
- 2) During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

NOTE In the case of a person to whom the Employees State Insurance Act, 1948 applies the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

- 3) Maternity leave not exceeding 6 weeks may also be granted to a female Government servant (irrespective of number of surviving children) in case of miscarriage, including abortion on production of medical certificate as laid down in Rule 19.
- 4)
 - a) Maternity leave may be combined with leave of any other kind.
 - b) Notwithstanding the requirement of production of Medical certificate contained in Sub Rule (1), of rule 30 or sub rule (1) of rule 31, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) upto a maximum of one year may, if applied for, be granted in continuation of maternity leave granted under Sub Rule (1).
- 5) Maternity leave shall not be debited against the leave account.

The Government of India have requested the State Government to implement the above orders, so as to promote the small family norm in this country.

5) The matter was examined in detail and after careful consideration the following orders are issued:

- (i) A Women Government servant with less than two surviving children may be allowed maternity leave for a period of 90 days from the date of its commencement.
 - (ii) Maternity leave not exceeding 6 weeks for mis-carriage, including natural abortion or abortion under Medical Termination of Pregnancy Act, 1975 may be granted to a women Government Servant irrespective of number of surviving children on production of Medical Certificate.
 - (iii) Notwithstanding the requirement of production of medical certificate leave of the kind due and admissible upto a maximum of one year may, if applied for, be granted in continuation of Maternity leave granted.
- 6) Necessary amendments to Fundamental Rules will be issued separately.

(By order of the Governor)

M.Ahmed,
Secretary to Government.