

GOVERNMENT OF ODISHA
FINANCE DEPARTMENT

No. 22188 /F., dated 10.08.2016
FIN-CS-2-LV-0003-2012

OFFICE MEMORANDUM

Sub: Clarification on maternity leave availed by female contractual employees engaged in different Departments of Government.

As per Finance Department circular No.39847/F., dated 01.10.2007, all female employees engaged in Government establishment on contract basis with consolidated remuneration and having less than two surviving children would be eligible to get full consolidated remuneration for a period not exceeding 90 days of her absence from duty on maternity ground on certain conditions outlined therein. However, the ceiling of 90 days of absence from duty on maternity ground has been enhanced to 180 days in terms of Finance Department circular No.12383/F., dated 31.03.2012 subject to condition that tenure of maternity leave will be within the contractual period in maximum.

Clarifications have been sought from different quarters regarding entitlement of maternity leave for different categories of female contractual employees. After careful consideration Government have been pleased to clarify as follows:

1. Contractual employees appointed against the sanctioned posts following due recruitment procedure and ORV Act in terms of General Administration Department Resolution No.4591/Gen., dated 15.02.2014, Resolution No.26108/Gen., dated 17.09.2013 and Resolution No.1066/Gen., dated 16.01.2014 and in similar cases appointed on specific Government orders with concurrence of Finance Department will be treated at par with regular employees.

The aforesaid categories of female contractual employees will be entitled to avail maternity leave up to 180 days as extended to the regular female Government servants irrespective of their contractual period and there will be no interruption of service.

For example:

Mrs X has joined in Government Service on 15.07.2015 on the basis of terms and conditions mentioned in the above Para. She will complete her 1st year contractual period on 14.07.2016. Her next contractual tenure is likely to be extended for a further period of one year i.e. to 13.07.2017. If she goes on maternity leave on 01.05.2016 then she will avail six months of maternity leave i.e. up to 31.10.2016 without limiting the contractual period for the said year. The period of maternity leave will not be treated as interruption of service.

2. In case of female contractual employees appointed not against any sanctioned post and/or without following recruitment procedure and/or ORV Act, then her maternity leave is limited to the contractual period in maximum. However, persons engaged for purely temporary schemes and short term duration of less than a year will not be eligible for maternity leave.

For example:

The contractual period of Mrs X starts from 15.07.2015 up to 14.07.2016. If she avails maternity leave on 01.05.2016 then her maternity leave will be limited to contractual period maximum i.e. up to 14.07.2016 as the extension of contractual period in this case is conditional and not in certainty.

3. Female contractual employees engaged on outsourcing basis through service providing agencies are not entitled to avail maternity leave as there is no employee and employer relationship between the employee and Government in such engagement.

Sd/-

(R. Balakrishnan)
Additional Chief Secretary to Government