

**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

GOVERNMENT OF ORISSA
FINANCE DEPARTMENT

No. 51801/F.
CS-II-32/2011

Date 7/12/2011

OFFICE MEMORANDUM


Sub : Paternity Leave to Government servants.

The AIS (Leave) Rules, 1955 as well as CCS (Leave) Rules provide for Paternity Leave to a male member of the service with less than two surviving children for a period of 15 days during the confinement of his wife for child birth. Keeping this in view, the State Government have been pleased to extend similar benefit to the employees of State Government.

- (i) A male member of the State Government service with less than two surviving children can avail paternity leave for a period of 15 days during the confinement of his wife for child birth, i.e. up to 15 days or up to six months from the date of delivery of the child.
- (ii) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- (iii) The paternity leave may be combined with leave of any other kind.
- (iv) The paternity leave shall not be debited against the leave account.
- (v) If paternity leave is not availed of within the period as specified in para (i) above, such leave shall be treated as lapsed.

Note: The paternity leave shall not normally be refused under any circumstances except in case of exigencies of service of the employee as decided by the Government from time to time.

2. Necessary insertions of the aforementioned provision under the relevant rules of Orissa Service Code shall be made in due course.


Principal Secretary to Government.

Memo No. 51862(480) /F -2-

Date: 7/12/2011

Copy forwarded to all Departments of Government/ All Heads of Department/ A.G. (Audit), Odisha, Bhubaneswar/ A.G. (A & E), Odisha, Bhubaneswar/ DAG, Odisha, Puri/ Secretary to Governor/ Principal Secretary to Chief Minister/ All Collectors/ All FAs and AFAs of the Departments/ All Treasury Officers, Spl Treasury Officers, Sub-Treasury Officers/ Director General, Gopabandhu Academy of Administration, Bhubaneswar/ Director, MDRAFM, Bhubaneswar/ Principal, Secretariat Training Institute, Bhubaneswar/ Secretary, OLA, Bhubaneswar for information.

Memo No. 51863(120) /F

Don
7/12/11
Joint Secretary to Government

Date: 7/12/2011

Copy forwarded to all Officers and branches of Finance Department for information.

Memo No. 51864 /F

Don
7/12/11
Joint Secretary to Government

Date: 7/12/2011

Copy forwarded to the Heads of Portal Group, IT Centre, Odisha Secretariat for information and necessary action.

He/She is requested to launch this office memorandum in the website of Finance department for general information.

Memo No. 51865 /F

Don
7/12/11
Joint Secretary to Government

Date: 7/12/2011

Copy forwarded to M/s. Luminous Infoways Private Limited, C/o-RTI Central Monitoring Mechanism (CMM), I & PR Department, Government of Odisha for publishing the Office Memorandum in the RTI Portal.

Don
7/12/11
Joint Secretary to Government