

**GOVERNMENT OF RAJASTHAN
FINANCE DEPARTMENT
(RULES DIVISION)**

MEMORANDUM

No.F.1(6)FD(Rules)/2021

Jaipur, dated : **23 DEC 2021**

Subject: - Grant of Maternity Leave to a female Government servant who was not in Government service at the time of birth of child.

A question has been raised whether a female Government servant who was not in Government service at the time of birth of child shall be entitled or not for Maternity Leave under Rule 103 of Rajasthan Service Rules after joining Government service.

Under Rule 103 of Rajasthan Service Rules, Maternity Leave is admissible to a female Government servant with less than two surviving children upto a period of 180 days from the date of its commencement.

In SBCWP No. 4384/2020 the Hon'ble Court has given Judgment on 07.12.2020 as under:-

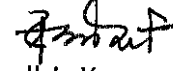
"With a view to harmonize the provisions, upon combined reading of Rule 103 and 103A of the RSR, it is declared that a female Government servant is entitled to avail maternity leave, if she joins within the period of confinement, i.e. 15 days before to three months after the child birth, regardless of the fact that the child was born prior to joining or before issuance of appointment order"

In view of the above Judgment the matter has been considered and the Governor is pleased to order that a female Government servant who was not in Government service at the time of birth of child, if applies for grant of Maternity Leave after joining Government service, she may be allowed Maternity Leave under Rule 103 of Rajasthan Service Rules of 180 days reduced by the total of following periods:-

(1) Period before joining Government service by the female Government servant	(a) 15 days period of confinement before child birth. (b) Age of child (days) at the time of joining of Government service
(2) Period of service after joining Government service by the female Government servant (restricted to maximum 15 days)	(c) Period from date of joining Government service to the date of proceeding on Maternity Leave by a female Government servant (days).

In such cases Maternity Leave shall only be admissible, if the female Government servant applies for grant of Maternity Leave within 15 days from the date of joining of Government service.

By order of the Governor,



(Sudhir Kumar Sharma)

Special Secretary to the Government
Finance (Budget)

Copy forwarded to -

1. Secretary to Hon'ble Governor.
2. Principal Secretary to Hon'ble Chief Minister.
3. All Special Assistants / Private Secretaries to Ministers / State Ministers.
4. All Additional Chief Secretaries/ Principal Secretaries/Secretaries/Special Secretaries to the Government.
5. Sr. D.S. to Chief Secretary
6. Accountant General Rajasthan, Jaipur.
7. All Heads of the Departments.
8. Director, Treasuries & Accounts, Rajasthan, Jaipur
9. Director, Pension and Pension Welfare Department, Rajasthan, Jaipur
10. Deputy Director (Statistics), Chief Ministers Office.
11. All Treasury Officers.
12. All Sections of the Secretariat.
13. Administrative Reforms (Gr.7) with 7 copies.
14. Vidhi Rachana Sanghthan, for Hindi translation.
15. Technical Director, Finance Department(Computer Cell)
16. Guard File

Copy also to the -

1. Secretary, Rajasthan Legislative Assembly, Jaipur
2. Registrar General, Rajasthan High Court, Jodhpur / Jaipur.
3. Secretary, Rajasthan Public Service Commission, Ajmer.
4. Secretary, Lokayukta Sachivalaya, Rajasthan, Jaipur.


28/12/21

(Suresh Kumar Verma)

Joint Secretary to the Government

(RSR 54/2021)