



**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 Rule 101(a) of the Fundamental Rule:-

I - MATERNITY:-

- (i) 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 PREGRENCY:-

- (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.

