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EMPLOYER CANNOT DENY MATERNITY BENEFIT TO CONTRACTUAL EMPLOYEES

The Odisha High Court (**HC**), in the *Anindita Mishra* case,¹ held on June 24, 2025, that women contractual employees are entitled to maternity benefit and cannot be denied of the same merely because their nature of employment being contractual.

Brief Facts

Anindita Mishra (**Anindita**) was employed in the contractual role of ‘Young Professional’ in the General Administrative Department of the Government of Odisha (**Department**). During her employment, she had applied for grant of maternity leave from in 2016-17 (**Leave**) but it was rejected by the Department without assigning any reasons. Following this, Anindita filed a writ petition before the HC and received a favourable order from the Single Bench directing the Department to grant her maternity benefit (**Order**). The Department, being aggrieved by the Order, appealed before the Division Bench of HC.

Anindita’s Contentions

The Department cannot deny her Leave without assigning any reasons. It was an invalid reason that because her employment agreement did not entitle her for any maternity benefit, therefore the Department could not grant her Leave.

Department’s Contentions

Anindita was a contractual employee and that her employment was strictly regulated by the terms of her employment contract (**Contract**). Unless the Government policy is a part of her Contract, she cannot claim maternity benefit under the policy.

¹ *The State of Odisha & Anr. v. Smt. Anindita Mishra*, 2025 LiveLaw (Ori) 84.

HC's Judgement & Reasoning

The HC:

- Referred to the *Mobinder Singh Gill* case² wherein the Supreme Court (SC) held that an order given without stating reasons cannot be justified by stating the reasons later, and that an order should be reasoned.³
- Referred to the *Dr. Kabita Yadav* case⁴ where the SC held that even a contractual employee is entitled to maternity benefit and that the state policy does not differentiate between regular employees and contractual employees in this regard. The HC further stated that any discrimination to that effect would be violative of Article 14 of the Constitution of India.⁵
- Stated that denying maternity benefit on the basis of nature of employment is detrimental to the notions of humanity and womanhood.⁶
- Stated that India being a welfare state cannot have a State Policy, where the intention is to deny women contractual employees maternity benefit. Therefore, Department's interpretation that contractual employees are not eligible under the State Policy was erroneous.⁷
- Observed that India is a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979 (**Convention**) and that the State Policy conferring maternity benefit to women employees is a promulgation of the objectives of the Convention, which should be honoured.⁸
- Reiterated the Single Bench's Order directing the Department to grant her maternity benefit and dismissed the Department's appeal.

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² *Mobinder Singh Gill v. Chief Election Commissioner, New Delhi*, AIR 1978 SC 851.

³ Paragraph 3.2 of the Judgement.

⁴ *Dr. Kabita Yadav v. Secretary, Ministry of Health & Family Welfare Department*, (2024) 1 SCC 421.

⁵ Article 15 of the Constitution of India guarantees equality and equal protection of laws to all persons within the territory of India.

⁶ Paragraph 3.7 of the Judgement.

⁷ *Ibid.*

⁸ Paragraph 3.8 of the Judgement.