



2025:KER:15066

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 21ST DAY OF FEBRUARY 2025 / 2ND PHALGUNA, 1946

WP(C) NO. 38997 OF 2024

PETITIONER:

LEKSHMY JAYAPAL
AGED 31 YEARS
D/O K.V JAYAPAL RESIDING AT MANIMANGALAM THEKKEVILA
POOVATHOOR P.O, NEDUMANGAD THRIUVANANTHAPURAM-, PIN
- 695561

BY ADV M.KABANI DINESH

RESPONDENTS:

- 1 THE MEMBER SECRETARY
KERALA STATE LEGAL SERVICES AUTHORITY NIYAMA SAHAYA
BHAVAN HIGH COURT COMPOUND ERNAKULAM-, PIN - 682031
- 2 THE SECRETARY
DISTRICT LEGAL SERVICES AUTHORITY DISTRICT COURT
BUILDINGS ADR CENTRE, VANCHIYOOR THIRUVANANTHAPURAM-
, PIN - 695035
- 3 THE MEMBER SECRETARY
NATIONAL LEGAL SERVICES AUTHORITY. B-BLOCK, GROUND
FLOOR, ADMINISTRATIVE BUILDINGS COMPLEX, SUPREME
COURT OF INDIA, NEW DELHI-, PIN - 110001

BY ADV S.KRISHNA

DAYA SINDHU SREEHARI-DSG



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THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.02.2025, ALONG WITH WP(C).36266/2024, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 21ST DAY OF FEBRUARY 2025 / 2ND PHALGUNA, 1946

WP(C) NO. 36266 OF 2024

PETITIONER:

EDWINA BENNY
AGED 31 YEARS
D/O ADV.A.D. BENNY , ARIMBUR HOUSE, KARAMUCK ,
KANDASHAMKADAVU P.O , THRISSUR DISTRICT, KERALA
STATE, PIN - 680613

BY ADVS.
REBIN VINCENT GRALAN
DINESH G WARRIER
VIMAL VIJAY

RESPONDENTS:

- 1 UNION OF INDIA REPRESENTED BY IT'S SECRETARY ,
MINISTRY OF LAW AND JUSTICE
4TH FLOOR , A- WING , SHASTHRI BHAVAN, NEW DELHI,
PIN - 110001
- 2 NATIONAL LEGAL SERVICES AUTHORITY, REPRESENTED BY
ITS SECRETARY
B - BLOCK, ADDITIONAL BUILDING, SUPREME COURT OF
INDIA, NEW DELHI, PIN - 110001
- 3 KERALA STATE LEGAL SERVICE AUTHORITY , REPRESENTED
BY ITS SECRETARY
NIYAMA SAHAYA BHAVAN, HIGH COURT COMPOUND, KOCHI,
ERNAKULAM DISTRICT , KERALA STATE, PIN - 682031
- 4 DISTRICT LEGAL SERVICE AUTHORITY , REPRESENTED BY
ITS SECRETARY



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THRISSUR DISTRICT COURT COMPLEX, CIVIL LANE,
AYYANTHOLE , THRISSUR DISTRICT, KERALA STATE, PIN -
680003

BY ADV S.KRISHNA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.02.2025, ALONG WITH WP(C).38997/2024, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:



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JUDGMENT**[WP(C) Nos.38997/2024, 36266/2024]**

These two Writ Petitions have been filed by the petitioners who are working as the Assistant Legal Aid Defense Counsel under the Legal Aid Defense Counsel System (LADCS), praying therein to extend the maternity benefit to the petitioners as provided under the Maternity Benefits Act, 1961.

2. The learned counsel for the National Legal Service Authority (NLSA) has produced the communication dated 21.01.2025 passed by the NLSA whereby the maternity benefits under the Maternity Benefits Act, 1961 had been made applicable to the Legal Defense Counsel engaged by the District Legal Services Authority.

3. Paragraph 4 of the said communication dated 21.01.2025 reads as under:

"a. Once an applicant has fulfilled the entitlement criteria specified in Para 5(2) of the Maternity Benefit Act, 1961, she would be eligible for full maternity benefits, even if such benefits exceed the duration of her contract.



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b. In the event that a lawyer appointed under the LADCS Scheme is availing leave under the Maternity Benefit Act, 1961 or any other law, rule or regulation in force, the Chairman of the concerned DLSA may engage a lawyer, on short-term contract basis, only for the period of leave so granted, to discharge the duties of the person who is on leave for that period."

4. Considering the aforesaid fact that the decision has already been taken to extend the benefit to the Counsel working under the LADCS, a scheme of the NLSA, nothing survives in these Writ Petitions and the same are therefore dismissed as infructuous.

Sd/-D. K. SINGH
JUDGE

lsn



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APPENDIX OF WP(C) 36266/2024

PETITIONER EXHIBITS

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| Exhibit P1 | A TRUE COPY OF THE IDENTITY CARD ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT KELSA BEARING DATE OF ISSUE 06.03.2023 |
| Exhibit P2 | A TRUE COPY OF THE REPRESENTATION FOR AVAILING MATERNITY LEAVE SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 14.06.2024 |
| Exhibit P3 | A TRUE COPY OF THE FORWARDING LETTER FROM THE 3RD RESPONDENT TO 4TH RESPONDENT MENTIONING THAT THE REPRESENTATION SUBMITTED BY THE PETITIONER FOR MATERNITY LEAVE DULY FORWARDED TO 2ND RESPONDENT DATED 26.07.2024 |
| Exhibit P4 | A TRUE COPY OF THE LADCS SCHEME 2022 ISSUED BY THE 2ND RESPONDENT NALSA DATED NIL |
| Exhibit P5 | A TRUE COPY OF THE DISCHARGE SUMMERY OF THE PETITIONER AFTER THE DELIVERY OF CHILD ISSUED BY THE MOTHER HOSPITAL, OLARI, THRISSUR DISTRICT DT. 07.06.2024 |



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APPENDIX OF WP(C) 38997/2024

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE NOTIFICATION DATED
24.8.2022 VIDE NO.LADCS/2022 ISSUED BY THE
1ST RESPONDENT |
| Exhibit P2 | TRUE COPY OF THE RELEVANT PAGES OF
APPROVED LIST OF CANDIDATES SELECTED FOR
ENGAGEMENT IN LADCS, DATED 31.03.2023 |
| Exhibit P3 | TRUE COPY OF THE REQUEST DATED 20.4.2023
SUBMITTED TO THE 2ND RESPONDENT BY THE
PETITIONER |
| Exhibit P4 | TRUE COPY OF THE REPRESENTATION DATED
27.10.2023 ALONG WITH THE MEDICAL
CERTIFICATE |
| Exhibit P5 | TRUE COPY OF THE ANSWERS TO THE
APPLICATION UNDER RIGHT TO INFORMATION ACT
FURNISHED BY THE 1ST RESPONDENT ON
15.10.2024 |