

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.23509 of 2015

Senkottaiyan

.. Petitioner

vs

- 1.The Managing Director
Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai
Salem 636 007
- 2.The General Manager
Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai
Salem 636 007
- 3.The Branch Manager
Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai
Salem 636 007
- 4.The Assistant Branch Manager
Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai
Salem 636 007

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to consider and pass order on the petitioner's representation dated 21.7.2015, seeking for sanctioning medical leave and for payment of leave salary to the petitioner.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.P.Paramasivadoss

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is employed as a permanent Driver vide No.DR3885, under the respondents and rendered hard, sincere and unblemished service. The petitioner would state that he met with an accident on 23.2.2015, and sustained multiple injuries and after undergoing treatment, was discharged from the private hospital on 1.3.2015, and was initially issued with a medical certificate dated 23.2.2015, recommending leave for 30 days, stating that he is suffering from multiple injuries, with effect from 23.2.2015, and was also issued with another medical certificate dated 24.3.2015, advising him to take rest for a further period of 30 days. The petitioner would further state that the fourth respondent has taken into consideration the same and sanctioned medical leave for 65 days, and since the illness suffered by the petitioner, was not cured, he submitted a leave letter dated 6.4.2015, praying for granting medical leave for 30 days, followed by another letter dated 27.4.2015, making similar request and also made a representation dated 25.4.2015, to the second respondent praying for sanction of leave for a period of 90 days from 23.2.2015, and it was received on 26.4.2015.

3.According to the petitioner, he was sanctioned 64 days of medical leave from 23.2.2015 till 24.5.2015, and was paid a sum of Rs.19,200/- only for 31 days and was not paid salary for the remaining period of 33 days, for which, sanction was accorded by the fourth respondent, and the fourth respondent has also treated 26 days as absence while sanctioning the leave of 64 days, and he has submitted a representation dated 6.6.2015, praying for arrears of leave salary, which was also followed by a reminder dated 30.6.2015, and in the interregnum, the petitioner was permitted to join duty and accordingly, he joined duty on 2.7.2015.

4.The grievance expressed by the petitioner, is that in spite of receipt of the representations, the last of which is dated 21.7.2015, the salary due and payable during the leave period, has not been paid and hence, he came forward to file this writ petition.

5.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.P.Paramasiva Doss, learned Standing Counsel, who accepted notice on behalf of the respondents.

6.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, and without going into the merits of the same, directs the first respondent to consider and dispose of the petitioner's representation dated 21.7.2015, on merits

and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

nsv

To:

- 1.The Managing Director
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+1 cc to M/S.A.Nagarathinam Advocate sr.39879

W.P.No.23509 of 2015

msm(co)
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