

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2015

CORAM:

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.28260 of 2014

P.Lillymalar

..Petitioner

Vs

1. The Director
The Director of Medical Service
Teynampet
Chennai-18.

2. The Principal Secretary to the Government
Health and Family Welfare Department
Fort St. George
Chennai-9.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to pass orders granting continuity of service as staff nurse to the petitioner from the date of expiry of the first period of medical leave with all benefits in service on a liberal application of the Government Servants Conduct Rules immediately.

For Petitioner : Mr.S. Soundhararajan

For Respondents : Mr.P. Sanjay Gandhi
Addl. Govt. Pleader

ORDER

The petitioner was appointed as Staff Nurse by the first respondent on 3 July 2009. She was posted in Government Primary Health Centre at Vengal Village, Thiruvallur District. The petitioner got married on 25 February 2010. The petitioner was granted maternity leave from 1 May 2010 to 31 August 2010. According to the petitioner, immediately after the expiry of the medical leave period, she made a representation to extend the leave for a further period of two months. However, there was no follow up action taken by the respondents. The petitioner finally submitted a representation on 11

June 2014 requesting the first respondent to regularise her leave period and permit her to join duty. Since the said representation was not disposed of, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

3. The petitioner has produced a copy of the representation dated 23 August 2010 stated to have been given to the first respondent. However, the learned Additional Government Pleader disputes the genuineness of the said representation as according to him, there was no acknowledgement given by any of the officers to show that such representation was given.

4. Though there is nothing on record to show that the representation was given on 23 August 2010, there is a document before this Court to prove that a fresh representation was given on 11 June 2014. In case the petitioner has not given any representation earlier, the first respondent should have passed an order rejecting her recent representation on the ground that for the first time she has approached for regularisation of leave by way of the said representation.

5. The question as to whether the period of leave should be regularised and the petitioner should be permitted to join duty is essentially an issue to be decided by the first respondent.

6. The first respondent is directed to consider and dispose of the representation dated 11 June 2014 on merits and as per law and in the light of the relevant Government Orders. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs.

Tr/

-s/d-

Assistant Registrar(J)

Dt:3/2/2015

True Copy

Sub-Assistant Registrar

To

1. The Director
The Director of Medical Service
Teynampet Chennai-18.

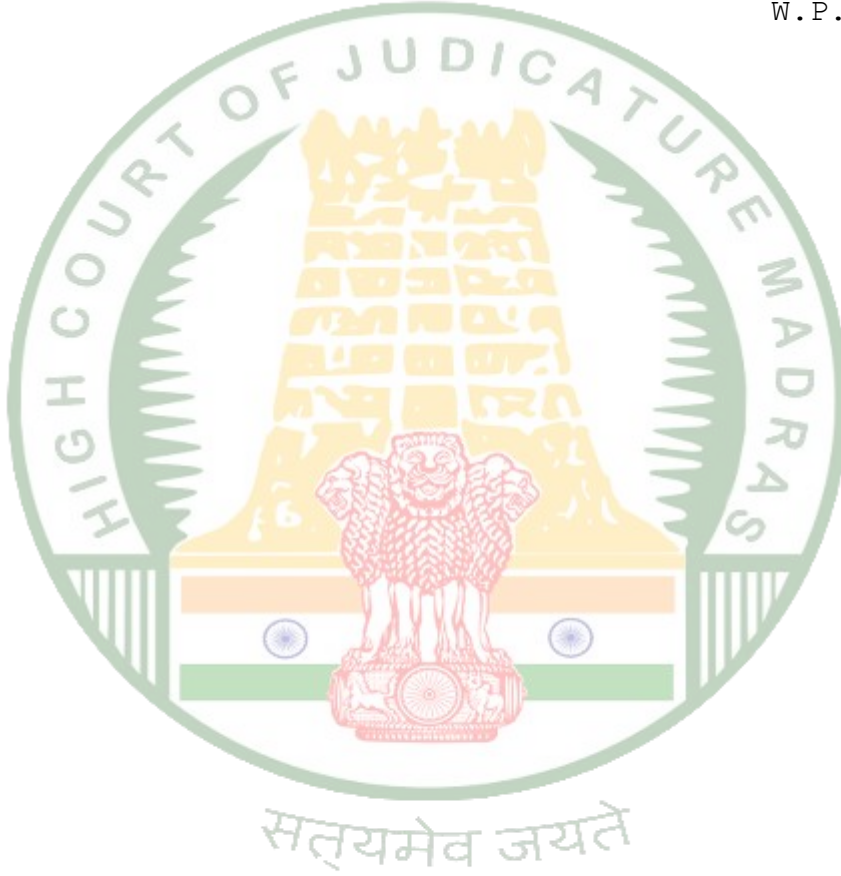
2. The Principal Secretary to the Government
Health and Family Welfare Department
Fort St. George
Chennai-9.

+ 1 cc to Mr.S.Soundhararajan, Advocate SR 3285

+ 1 cc to Government Pleader SR 3519

nm(co)
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