

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41991 of 2016

T.Nanjan

... Petitioner

vs.

1. The District Collector,
The Nilgiris District,
The Nilgiris.

2. The District Revenue Officer,
The Nilgiris District,
The Nilgiris. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, to direct the first respondent to consider the petitioner's representation dated 14.08.2009 seeking to consider the petitioner's medical leave from 06.01.2009 to 03.06.2009 as paid leave.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.K.Dhananjayan,
Special Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider his representation dated 14.08.2009, seeking to consider his medical leave from 06.01.2009 to 03.06.2009 as paid leave.

3. The case of the petitioner is that he joined the Government Service as Junior Assistant in Taluk Office at Ootacamund on 19.09.1983. In the year 1997, the petitioner was promoted as Assistant and thereafter, he was promoted as Deputy Tahsildar in the year 2012. During his service, the petitioner was suffering from a disease called SCIATICA and hence, he was advised by the Doctors to take rest. Thereafter, the petitioner applied for medical leave 06.01.2009 to 30.04.2009 along with

medical certificates. But, the respondents treated the leave period as Medical Leave without period. Hence, the petitioner gave a detailed representation dated 14.08.2009, requesting the first respondent to consider his leave period as paid leave as he has produced leave applications along with medical certificates. The petitioner retired from service on 30.04.2014.

4. It is the further case of the petitioner that as per the information obtained by him under the Right to Information Act, he has 295 days of medical leave available. The petitioner further stated that he had given a letter to the first respondent on 25.04.2009 stating that his health condition is good and he was willing to join duty on 30.04.2009 as he had applied for leave till 30.04.2009. However, the first respondent did not allow the petitioner to join the duty on the said date, but, allowed only on 04.06.2009. Hence, the present writ petition has been filed.

5. The learned Special Government Pleader submitted that since the date of the representation of the petitioner is 14.08.2009, the petitioner may be directed to send a fresh representation to the first respondent and on receipt of the same, the first respondent would consider the same.

6. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

7. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a fresh representation along with a copy of this order to the first respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the representation of the petitioner and pass orders thereon, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ogy

To

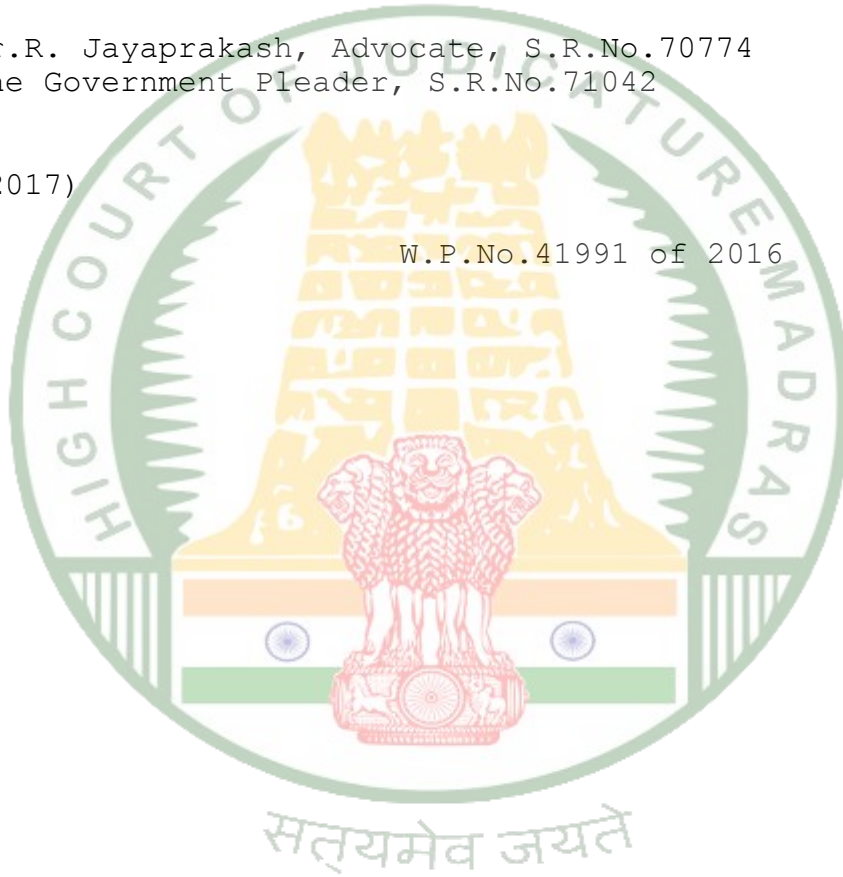
1. The District Collector,
The Nilgiris District,
The Nilgiris.
2. The District Revenue Officer,
The Nilgiris District,
The Nilgiris.

+1cc to Mr.R. Jayaprakash, Advocate, S.R.No.70774

+1cc to the Government Pleader, S.R.No.71042

rj(CO)
md(04/01/2017)

W.P.No.41991 of 2016



WEB COPY