



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2016

CORAM :

THE HON'BLE DR. JUSTICE S.VIMALA

Writ Petition (MD) No.15361 of 2016

P.Mahavishnu

... Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Transport Corporation,
Thoothukudi Division, Thoothukudi,
Thoothukudi District.

2. The Branch Manager,
Tamil Nadu State Transport Corporation,
Srivaikundam Depot, Srivaikundam,
Thoothukudi District

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 02.06.2016 and further to direct the respondents to disburse the petitioner's salary for 21 days by considering the same as medical leave.

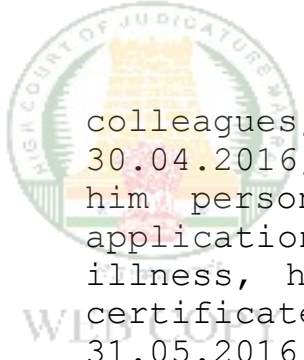
For Petitioner : Mr. V.Rajiv Rufus
For Respondents : Mr. K.Sathiya Singh

O R D E R

This is a writ petition filed by the petitioner seeking for a mandamus to direct respondents to disburse the petitioner's salary for 21 days, by treating the absence as medical leave.

2. Heard Mr.V.Rajiv Rufus, learned counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned counsel, who accepts notice on behalf of respondents.

3. The petitioner was appointed as conductor on 02.07.2009 in the first respondent Corporation. Due to illness, from 25.04.2016, he underwent medical treatment and as advised by the Doctors, taken bed rest for three weeks, and submitted leave letter, through his



colleagues, during the night of 25.04.2016. Further, on 30.04.2016, he reached the office of the second respondent, met him personally and gave the medical certificate, along with application for sanction of medical leave. After recovering from illness, he joined duty on 18.05.2016, by producing the fitness certificate. When the petitioner received his salary receipt on 31.05.2016, he came to know that his leave period was treated as absence and salary for that period was deducted. The petitioner approached the respondents and sought to rectify this mistake.

3.1. The petitioner also sent a representation dated 02.06.2016 to the respondents, in this regard. Since nothing fruitful was done, the petitioner has approached this Court, by way of this writ petition.

4. The learned counsel appearing for the respondents would submit that it is agreeable for the respondents to consider the representation submitted by the petitioner and to pass orders on merits and in accordance with law.

5. In view of the above submissions made by the learned counsel for both sides, the respondents are hereby directed to consider the representation of the petitioner, dated 02.06.2016, on merits and in accordance with law, and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The General Manager,
Tamil Nadu State Transport Corporation,
Thoothukudi Division, Thoothukudi,
Thoothukudi District.
 2. The Branch Manager,
Tamil Nadu State Transport Corporation,
Srivaikundam Depot, Srivaikundam,
Thoothukudi District
- +1 CC to M/s.V.RAJIV RUFUS, Advocate, SR No.71963.

SRK

<https://hcmis.scmis.gov.in/cservices> BSM/SKM-PSM/07-02.2017/2P/4C

W.P. (MD) No.15361 of 2016
22.11.2016