

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY

AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.19470 of 2016

-
23.06.2016

Between:

Smt.Maha Lakshmi Ramanadham

..Petitioner

And

The State of Telangana,
represented by its Principal Secretary,
School Education Department, Hyderabad and others

..Respondents

Counsel for the petitioner: Party-in-person

Counsel for the respondents: Government Pleader for Services (TS)

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner, who is unsuccessful before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') in her challenge to memo *vide* proceedings No.9322/SE.Ser.II/2014, dated 18.08.2014, and also order *vide* proceedings in Rc.No.818/Ser.IV/2014, dated 31.12.2014, whereby her request for sanction of medical leave for a period of 737 days for the period from 14.06.1987 to 04.10.1988 and from 07.08.1990 to 22.04.1991 was rejected, filed this writ petition.

2. We have heard the petitioner, who appeared as party-in-person, and perused the record.

3. The petitioner retired as School Assistant in May, 2014. While she was working as Secondary Grade Teacher, she applied for leave from 14.06.1987 to 04.10.1988 and from 07.08.1990 to 22.04.1991 on the ground of illness of her son. After she resumed her duty, she applied for sanction of leave by treating the aforesaid period of 737 days as "leave on private affairs". Accordingly, leave as requested by her was sanctioned as far back as 1992. Seven years thereafter, she made a representation to the respondents to treat the leave, which was already sanctioned, as medical leave and half pay leave. This request of the petitioner was based on the reason that she was on leave for the said period for the medical purposes of her son. As her request was not considered, she filed O.A.No.8487 of 2013 before the Tribunal, which directed the respondents to pass orders on the petitioner's representation, whereupon, respondent No.3 passed order, dated 10.04.2014, rejecting the petitioner's request on two grounds *viz.*, (1) that the request of the petitioner for sanction of medical leave is highly belated and (2) that as per the entries made in the Service Register

and also as per the record available with the respondents, there is no request of the petitioner for sanction of "leave on medical grounds" and instead, a request for "leave on private affairs" was made. Assailing the same, the petitioner filed O.A.No.3063 of 2014. In compliance with the interim order passed in the said O.A., the respondents again issued memo, dated 18.08.2014, and subsequently passed order, dated 31.12.2014, rejecting the petitioner's request. The petitioner, therefore, withdrew O.A.No.3063 of 2014 and filed O.A.No.5296 of 2014, which was dismissed by the Tribunal, by order, dated 30.05.2016. The petitioner pleaded before the Tribunal that as per G.O.Ms.No.70, dated 06.07.2009, the competent authority to sanction leave beyond a period of one year and up to the period of four years is the Director of School Education and that as the order, dated 10.04.2014, was passed by the District Educational Officer, the same is illegal and without jurisdiction. The Tribunal, however, rendered a finding that the District Educational Officer passed the aforesaid order only on the directions of the Tribunal and subsequently, in pursuance of the interim order passed in O.A.No.3063 of 2014, the Government, which is the competent authority in case of a retired employee, issued memo, dated 18.08.2014 and passed order, dated 31.12.2014, rejecting the petitioner's request. As regards the petitioner's request for conversion of leave already sanctioned into medical leave and half pay leave, the Tribunal held that respondent No.1 for proper and valid reasons rejected the same.

4. Having carefully considered the facts as discussed above, we are of the opinion that the petitioner's request for conversion of leave was not only highly belated, but also contrary to her own request made initially that she may be granted leave on private affairs. Moreover, an employee is entitled to avail medical leave for his personal illness. He cannot seek sanction of medical leave on the ground of sickness of any other person including his/her family members. Therefore, we do

not find any illegality in the order passed by the Tribunal.

5. The Writ Petition is, accordingly, dismissed.

6. As a sequel to dismissal of the writ petition, W.P.M.P.No.23879 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

23rd June, 2016
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