

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.10.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.26785 of 2017
and
WMP.No.28514 of 2017

R.Swamykannu

... Petitioner

vs.

1. The Vice Chancellor
Tamil Nadu Dr.M.G.R. Medical University
Chennai-600 032.
2. The Registrar
Tamil Nadu Dr.M.G.R. Medical University
Chennai-600 032.
3. Dr.T.Balasubramanian
Registrar
Tamil Nadu Dr.M.G.R. Medical University
Chennai-600 032.

..Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in Memo Rc.No.EI(2)/55209/2016 dated 20.09.2017 issued by the 1st respondent herein and quash the same and consequently, direct the 1st respondent to take necessary action against the 3rd respondent as per employees conduct statute No.15 of the Tamil Nadu Dr.M.G.R. Medical University, Chennai for exercising his official power in partiality manner by vindictively passing the earned leave rejection order dated 25.11.2016 and the appeal rejection order dated 05.01.2017 without jurisdiction and authority.

For Petitioner : Mr.S.Sathish

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O R D E R

Heard the learned counsel appearing for the petitioner.

2. The petitioner is aggrieved against the order of the first respondent and consequently, seeking for a direction to the first respondent to take action against the third respondent in rejecting the petitioner's leave application to go to abroad.

3. It is seen that the petitioner is working as an Assistant Registrar at the respondent University and sought for permission to go to abroad from 28.11.2016 to 16.12.2016. It is further seen that the said permission was rejected. In the meantime, the petitioner even before grant of such permission, has taken the Air tickets to go abroad and consequent upon such rejection of his request, the petitioner through letter dated 28.08.2017 claimed compensation of Rs.1,15,662/- being financial loss incurred by him due to cancellation of the Air tickets, as he has not been granted permission.

4. The above said request was rejected through the impugned order, by stating that the petitioner has taken the Air tickets even before grant of permission, which is in violation of Statute 20 of the Tamil Nadu Medical University and therefore, he is not entitled for the claim of the compensation. I do not find any error in the impugned order, as admittedly, the petitioner has taken the tickets on his own risk even before grant of permission. Therefore, he has taken the ticket before getting permission and consequently, he cannot seek for compensation merely because his request for going abroad is rejected by a separate proceeding. Needless to say that it is for the petitioner to agitate the said issue separately viz., rejection of his request for visiting foreign country. However, insofar as the claim of the compensation is concerned, which is the issue involved in this writ petition, I am of the view that the petitioner is not entitled to seek such compensation. Hence, I find no grounds to interfere with the impugned order and the writ petition is dismissed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mk

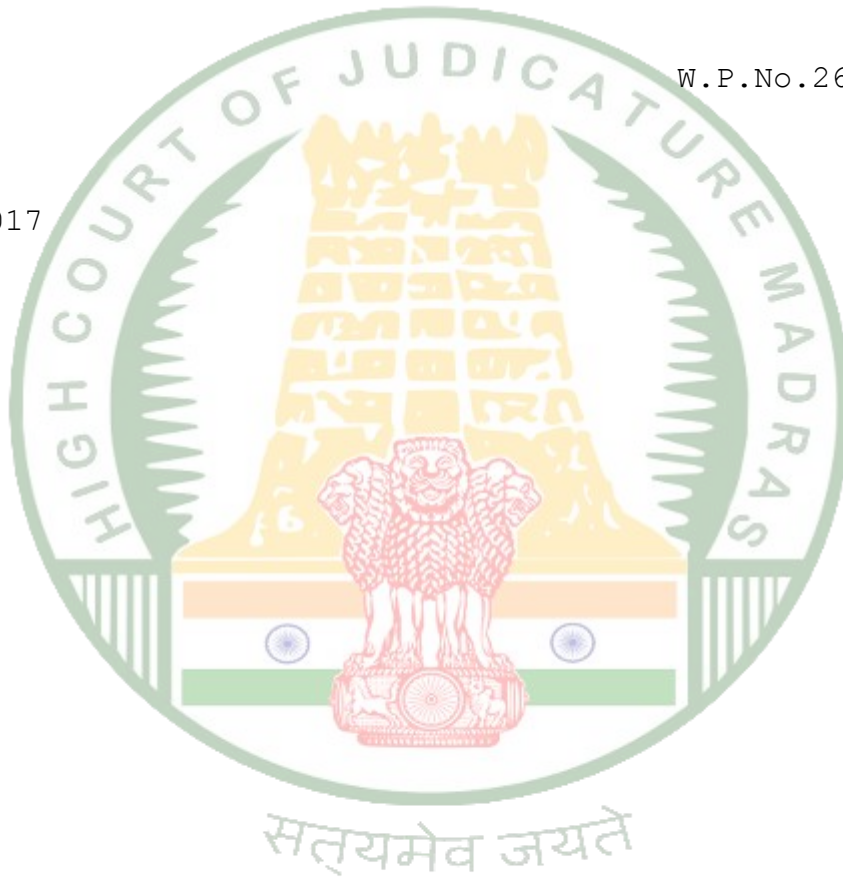
To

1. The Vice Chancellor
Tamil Nadu Dr.M.G.R. Medical University
Chennai-600 032.
2. The Registrar
Tamil Nadu Dr.M.G.R. Medical University
Chennai-600 032.

+1 cc to M/s.S.Sathish Advocate sr 74277

W.P.No.26785 of 2017

rsy(co)
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