



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2788 of 2018

M.Jahangeer

... Petitioner

Vs.

1. The Deputy Manager (Admn),
Tamil Nadu State Transport Corporation Ltd.,
Regional Office, Karaikudi,
Sivagangai District.
2. The Deputy Manager,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
Ramanthapuram.
3. The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER : This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to treat the petitioner's absence for duty from 03.01.2018 to 15.01.2018 (13 days) as medical leave and disburse salary for the said period.

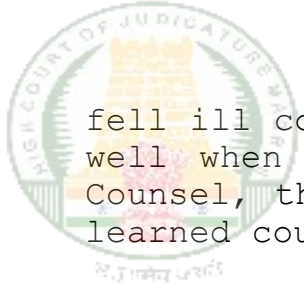
For petitioner : Mr.K.Gokul

For Respondents : Mr.D.Sivaraman

ORDER

The petitioner is working as a Cook in the respondent Corporation. He was absent from duty for about 13 days from 03.01.2018 to 15.01.2018. The case of the petitioner is that during the said period, he suffered from dysentery and cholera. He has also enclosed a medical certificate dated 03.01.2018 issued by a Doctor. The petitioner's grievance is that the management is not regularizing the period of absence as one of medical leave.

2. The learned Standing Counsel appearing on behalf of the management opposed the prayer on the ground that the writ petitioner



fell ill conveniently on the day, when the strike was called and got well when the strike was called off. According to the Standing Counsel, this is too much of a coincidence. The submissions of the learned counsel for the respondent, on the face of it, is sound.

3. This Court is however, of the view that the issue can be given a quietus, by directing the respondents to treat the aforesaid period as one on medical leave. The management is directed to calculate salary for the said period as one of medical leave.

4. Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.K.GOKUL, ADVOCATE IN SR No. 56429
+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 56387

PNN

TE/SV-MMS/SAR-1 : 03/05/2018 : 2P/3C

ORDER MADE IN
W.P. (MD) No.2788 of 2018
20.03.2018