



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 10.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.17908 of 2018

G.Narayanasamy

.. Petitioner

Vs

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.
2. The Director of Public Health and Preventive Medicine,
Chennai - 600 006.
3. The Deputy Director of Health Services,
Collectorate Complex,
Virudhunagar - 626 002,
Virudhunagar District.

.. Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent I.e., the Secretary to Government, Health and Family Welfare Department, Chennai to pass appropriate orders on the Petitioner's representation dated 30.09.2017 regarding surrender of leave for the period of two months ie., from 12.3.2014 and 12.3.2016 within a specified time that may be fixed by this Court.

For Petitioner : M/s.S.Visvalingam
For Respondents : Mr.M.Pandiarajan
Addl.Govt.Pleader

ORDER

The Petitioner has come forward with this Writ Petition seeking to issue a Writ of Mandamus directing the first respondent I.e., the Secretary to Government, Health and Family Welfare Department, Chennai to pass appropriate orders on the Petitioner's representation dated 30.09.2017 regarding surrender of leave for the period of two months ie., from 12.3.2014 and 12.3.2016 within a specified time that may be fixed by this Court.

2. Heard both sides.

3. The Petitioner has sought for two months wages namely 60 days Earned Leave to be paid to him for the period ending 12.3.2014 and 12.3.2016. The Petitioner has already approached this Court seeking leave salary for two months ie., salary for 30 days of Earned Leave for the period ending 12.3.2014 and another leave salary for 30 days of Earned Leave for the period ending 12.3.2016. According to the respondents, the Petitioner has been paid 30 days wages for the period ending 12.3.2016. In this regard, the Petitioner has been called for to submit his explanation by letter, dated 24.4.2017.

4. The contention of the learned Additional Government Pleader appearing for the respondents is that application has got to be filed within time and submitted belatedly. It is submitted by the learned Additional Government Pleader that the Petitioner has not made application within time and that is why he has not been granted 30 days of leave salary for the period ending 12.3.2014.

5. The learned counsel for the Petitioner submitted that the Petitioner has submitted his explanation on 9.6.2018 and also made his representation, dated 1.8.2018.

6. In view of the above, the respondents concerned is directed to consider the above said representation of the Petitioner in accordance with law within two months from the date of receipt of a copy of this order. While considering the representation, it is suffice to consider the Petitioner's claim for leave salary for 30 days of Earned Leave for the period ending 12.3.2014, since the leave salary for 30 days of Earned Leave for the period ending 12.3.2016 has already been considered by the authorities concerned.

7. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Secretary to Government,
Health and Family Welfare Department,
Chennai - 600 009.



2. The Director of Public Health and Preventive Medicine,
Chennai - 600 006.

3. The Deputy Director of Health Services,
Collectorate Complex,
Virudhunagar - 626 002,
Virudhunagar District.

+ 1 CC TO Mr.S.VISVALINGAM, ADVOCATE IN SR No. 83224
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 83360

VSN

TE/SV/SAR-2 : 23/11/2018 : 3P/6C

W.P (MD) No.17908 of 2018
10.09.2018