



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1344 of 2013

S.Sangilidhas

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer,
(Village Panchayat),
Srivilliputhur,
Virudhunagar District.

3.The President,
Kalangaperi Panchayat,
Rajapalayam Taluk,
Virudhunagar District

...Respondents

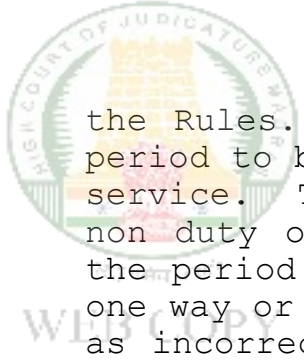
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his proceedings Na.Ka.B1.1316/2012, dated 04.12.2012, quash the same and consequently direct the second respondent to regularise the petitioner's leave period from 18.08.2007 to 10.02.2008 and make necessary entries in the petitioner's Service Register.

For petitioner	: M/s.P.Kalaiyarasi Bharathi
For R-1	: Mrs.VPM. Vaishnavi Government Advocate
For R-2 & R-3	: Mr.S.Bharathi

O R D E R

The relief sought for in this writ petition is to quash the order dated 04.12.2012 and direct the second respondent to regularise the petitioner's leave period from 18.08.2007 to 10.02.2008.

2. The order impugned dated 04.12.2012 states that there is no entries corresponding to the leave availed by the writ petitioner. In the absence of any leave letter, the leave period cannot be regulated. This Court is of an opinion that the leave period of the writ petitioner has to be regulated in accordance with



the Rules. Even if there is no application or details, the leave period to be regulated for the purpose of calculating the qualifying service. The leave period has to be regulated either as duty or as non duty or as leave applicable to the writ petitioner. However, the period cannot be left as it is and the same is to be regulated one way or the other. Therefore the order impugned cannot be termed as incorrect. However, it is suffice, if a direction is issued to the second respondent to consider the case of the writ petitioner and pass appropriate orders regulating the period of leave as per the Rules in force.

3. In this regard, the writ petitioner is directed to submit a detailed representation to the second respondent setting out all the facts and details in respect of the leave availed by him along with the documents. On receipt of such representation, the second respondent is directed to consider the case of the writ petitioner on merits and in accordance with law and pass orders within the period of 12 weeks from the date of receipt of a copy of this order.

4. Accordingly, this writ petition is disposed of, however no order to costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Block Development Officer,
(Village Panchayat),
Srivilliputhur,
Virudhunagar District.
3. The President,
Kalangaperi Panchayat,
Rajapalayam Taluk,
Virudhunagar District

+1cc to Special Government Pleader, SR.No. 49671

ORDER MADE IN
W.P. (MD) No.1344 of 2013
16.02.2018