

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.8482 of 2019**

WEB COPY

R.Murugesan

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Director of Town Panchayat,
Kuralagam 4th Floor,
Chennai - 600 108.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent ie., the Secretary to Government, Municipal Administration and Water Supply Department, Chennai, to pass appropriate orders on the petitioner's representation, dated 19.01.2019 regarding conversion of the Earned Leave from 18.09.2013 to 19.11.2013 and 12.12.2013 to 05.02.2014 as unearned leave on medical grounds, within the specified time fixed by this Court.

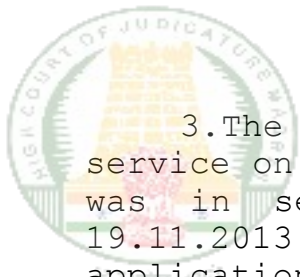
For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Angappan,
Government Advocate.

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the first respondent to pass orders on the petitioner's representation, dated 19.01.2019, regarding conversion of the Earned Leave from 18.09.2013 to 19.11.2013 and from 12.12.2013 to 05.02.2014 as unearned leave on medical grounds, within the specified time fixed by this Court.

2.Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate, who takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.



3.The grievance of the petitioner is that he retired from service on 30.04.2014 and received all retirement benefits. While he was in service, he was on medical leave from 18.09.2013 to 19.11.2013 and also from 12.12.2013 to 05.02.2014 and submitted the applications within the time. However, the same were rejected by the authorities on the ground that the applications were sent belatedly. Since the applications were not sent to the Medical Board by the authorities concerned in time, the leave was sanctioned as earned leave. Due to the sanction of earned leave instead of unearned medical leave, the petitioner lost his encashment of leave salary for a period of 119 days. Hence, he sent a representation to the respondents on 19.01.2019, to convert the above said 119 days of Earned leave as unearned medical leave. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4.The learned Special Government Pleader appearing for the respondents submitted that the representation of the petitioner would be taken into consideration by the first respondent on merits.

5.In view of the above, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner, dated 19.01.2019 with regard to conversion of earned leave as unearned medical leave, and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

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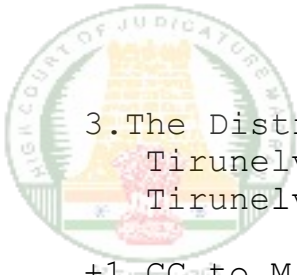
Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
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Chennai - 600 009.

2.The Director of Town Panchayat,
Kuralagam 4th Floor,
Chennai - 600 108.



3.The District Collector,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-59778[F] dated 09/04/2019)

+1 CC to M/s.SPL GP (SR-60097[F] dated 10/04/2019)

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W.P (MD) No.8482 of 2019
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