

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

DATED: 12.06.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.10609 of 2014****and****M.P. (MD) .No.1 of 2014**

P.Vinaitheerthan

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport,
Corporation (Madurai) Ltd.,
(Disciplinary Proceeding Department),
Madurai Division,
Madurai.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in his proceedings OnaThu/D6/Pon/DR/929 dated 30.08.2011 quash the same as illegal and further direct the respondent to treat the leave availed by the petitioner from 07.07.2011 to 25.07.2011 as medical leave and consequently ensure the service and monetary benefits for the said period.

For Petitioner	: Mr.P.Jagadish Ilango
For Respondent	: Mr.A.Jeyaram
	Standing Counsel for TNSTC

ORDER

The order dated 30.08.2011 rejecting the claim of the writ petitioner to regulate the period of absent as duty, is under challenge in the present writ petition. Further direction is sought for to treat the period from 07.07.2011 to 25.07.2011 as medical leave.

2.The writ petitioner was appointed as a Driver in the respondent/Transport Corporation on 24.07.1999. The writ petitioner states that he was medically advised to take complete rest for 15 days. The petitioner further states that he had duly intimated the same to the respondent/Transport Corporation on 07.07.2011, through registered post and requested them to provide 15 days medical leave from 07.07.2011 to 21.07.2011.



3.The learned counsel appearing for the respondent states that the writ petitioner had not submitted any application for medical leave and he had remained in unauthorized absence. The case of the writ petitioner was taken up for consideration by the competent authority and accordingly, a charge memo was issued on 26.07.2011. The writ petitioner had submitted his explanation. Considering the explanation, the authorities competent had taken a lenient view and regulated the period of authorized absence as leave without salary. The order dated 30.08.2011 states that the period of absence from 07.07.2011 to 25.07.2011 is treated as leave without salary and further, it is stated that the writ petitioner should work without any such complaint in future.

4.This Court is of the considered opinion that on initiation of disciplinary proceedings against the writ petitioner for unauthorized absence from 07.07.2011 to 25.07.2011, the authorities competent had taken a lenient view and treated the period of absence as leave without salary. This being the concession already shown to the writ petitioner, there is no reason to interfere with the impugned order passed by the respondent in proceedings dated 30.08.2011. The period of absence was already regulated as leave without salary and therefore, this Court is not inclined to consider the writ petition.

5.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

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To
The General Manager,
Tamil Nadu State Transport,
Corporation (Madurai) Ltd.,
(Disciplinary Proceeding Department),
Madurai Division,
Madurai.

W.P. (MD) No.10609 of 2014

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