



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:21.03.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.20037 of 2017

WEB COPY

M.Rajamony

... Petitioner

vs.

The Superintendent of Police,
Nagarcoil,
Kanyakumari District.

... Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent to treat the Medical Leave of 100 days taken by the Petitioner from 07.12.2013 to 25.01.2014 and 15.11.2014 to 03.01.2015 under the Un-Earned Leave category instead of treating the same under the Earned Leave category within a time frame as fixed by this Court.

For Petitioner : Mr.F.Deepak

For Respondent : Mr.V.Anand
Government Advocate

ORDER

The Writ Petition is filed seeking a direction to the Respondent to treat the Medical Leave of 100 days taken by the Petitioner from 07.12.2013 to 25.01.2014 and from 15.11.2014 to 03.01.2015 under the 'Un-Earned Leave category', instead of treating the same under the 'Earned Leave category' within a time frame as fixed by this Court.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

3. The case of the petitioner is that due to his ill-health, he has taken treatment, for which, he applied for leave. However, the leave period taken by him was not treated by the respondent under the Un-Earned Leave category. Hence, he made a representation to the respondent in that regard. Since the same has not been considered so far, he is before this Court with the present Writ Petition for the above relief.

4. The respondent has filed a detailed counter affidavit, wherein, at paragraph No.10, it is stated as follows:



of the petitioner stated in this para is not correct. Petitioner's special report, leave report along with General Memo alone have been received in this office for the medical leave availed by him from 07.12.2013 to 25.01.2014 and from 15.11.2014 to 03.01.2015. Petitioner has not submitted even a single iota of the report requesting that the Medical Leave availed by him should be treated as UEL on Medical Certificate for any spell of extension for consideration within the time stipulated. But he failed to do so as per the rules in force. Hence, the leave availed by him was settled as in the category of Earned Leave though he is eligible of UEL(MC)."

5. In reply, the learned Counsel appearing for the petitioner undertakes that the petitioner will produce all the relevant medical records before the respondent, within a time frame to be determined by this Court.

6. In view of the above, the petitioner is directed to produce all the relevant medical records before the respondent within a period of two weeks from the date of receipt of a copy of this order. On such production, the claim of the petitioner to treat the medical leave under earned leave, be considered on the basis of the medical report submitted by the petitioner and pass appropriate orders, after affording an opportunity of hearing to the petitioner, within a period of four weeks thereafter.

7. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar(CS)

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To

The Superintendent of Police,
Nagarcoil, Kanyakumari District.

+1 CC to M/s.F.DEEPAK, Advocate (SR-55567[F] dated 21/03/2019)
+1 CC to M/s.SPL GP (SR-56125[F] dated 22/03/2019)

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