



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19792 of 2019

K.Sam Vedaraj

... Petitioner

Vs.

1. The Chief Engineer, (Personal)
TANGETCO,
Annasalai,
Chennai-2.

2. The Chief Engineer, (Distribution),
TANGETCO,
Maharajan Nagar,
Tirunelveli District.

3. Executive Engineer,
TANGETCO,
Valliyoor,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize leave period from 06.08.2017 to 25.02.2018 of the petitioner as unearned medical leave on the strength of medical certificate submitted by the petitioner and consequently direct the respondent to pay the arrears of salary for the period from 06.08.2017 to 25.02.2018 by considering the representation submitted by the petitioner through proper channel, dated 06.04.2018.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.Kasinathadurai

ORDER

The petitioner filed the present writ petition, directing the respondents to regularize the leave period from 06.08.2017 to 25.02.2018 of the petitioner as unearned medical leave on the



strength of medical certificate submitted by the petitioner and consequently, direct the respondents to pay the arrears of salary for the period from 06.08.2017 to 25.02.2018, by considering the representation submitted by the petitioner through proper channel, dated 06.04.2018.

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2.Mr.S.Kasinathadurai, learned counsel takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.While the petitioner was working as Administrative Supervisor in the third respondent, he suffered health problem and he was undergoing treatment at Kerala Institute of Medical Science, Trivandrum. In the meanwhile, the petitioner was transferred to the Office of the Executive Engineer (Rural) Tuticorin. Since the petitioner's health condition was very worst, on 6.8.2017 he was admitted at Kerala Institute of Medical Science, Trivandrum and he applied for un-earned medical leave on 11.8.2017 from 6.8.2017 to 31.08.2017 for 26 days to the second respondent along with medical certificate. In the meanwhile, the Dean, Kanyakumari Government Medical College Hospital, Asaripallam, by his letter No.7944/A4/2017, dated 07.09.2017, directed the petitioner to appear before him along with treatment particulars on 13.9.2017. The petitioner sent a letter on 11.9.2017 stating that he was undergoing continuous treatment and he need leave for 50 days. The petitioner could not appear on 31.08.2017 and requested time for his appearance on the next hearing date. Again, the Dean, Kanyakumari Government Medical College Hospital, Asaripallam, directed the petitioner to appear before the Medical Board on 25.10.2017. Subsequently also, he could not appear. The second respondent issued show cause notice, dated 28.11.2017, calling for explanation for non appearance before the Medical Board on 13.09.2017 and 25.10.2017. The petitioner submitted his explanation. The second respondent by the proceedings dated 7.4.2018, regularised the period from 6.8.2017 to 25.12.2017 as leave without pay of allowances and from 26.12.2017 to 25.12.2017 as earned leave. The petitioner made a representation dated 06.04.2019, to regularise the leave period along with medical certificate and the respondents did not consider the representation of the petitioner. Hence, the petitioner has come out with the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. From the averments made in the affidavit filed in support of the writ petition and materials on record, it is seen that the leave period was regularised by the proceedings of the second respondent, dated 7.4.2018. If the petitioner is aggrieved by the same, he ought to have challenged the said order. Without challenging the said order, the relief sought for by the writ petitioner in the present

<https://www.e-services.gov.in/> services not maintainable.



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6. With the above observation, the writ petition is dismissed.
No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate SR-86976.

+1 CC to M/s.G.KASINATHA DURAI, Advocate SR-86983.

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