



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No. 3420 of 2014

and M.P. (MD) No. 1 of 2014

K. Balasubramanian ... Petitioner

Vs.

1. The Chairman and Managing Director,  
Punjab National Bank, Head Office,  
No.7, Bhikhaji Khama Place,  
New Delhi - 110 007.
2. The Executive Director (Personnel),  
Punjab National Bank, Head Office,  
No.7, Bhikhaji Khama Place,  
New Delhi - 110 007.
3. The Deputy General Manager/Circle Head/  
Liaison Officer for SC/ST Employees,  
Punjab National Bank, Kailasapuram,  
Tiruchirappalli - 620 017.
4. The Assistant General Manager,  
O/o. the Assistant General Manager,  
Punjab National Bank, Park Road,  
Tirpur.

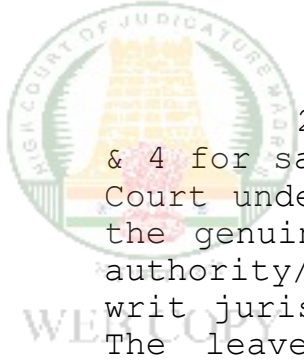
... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents-3 & 4 to accept the Petitioner's Medical Leave and treat that period from 03.12.2012 to 16.12.2012 as on Medical Leave and consequently regularise the period and release the salary to the petitioner within the time fixed by this Court.

For Petitioner : Mr. T. Lajapathi Roy  
For Respondents-1,2&4 : No Appearance  
For Respondent-3 : Mr.V.O.S. Kalaiselvam

**O R D E R**

The relief sought for in the present writ petition is for a direction to direct the respondents-3 & 4 to accept the Petitioner's Medical Leave and treat that period from 03.12.2012 to 16.12.2012 as on Medical Leave.



2. The very relief sought for to direct the respondents-3 & 4 for sanctioning the medical leave cannot be granted by the writ Court under Article 226 of the Constitution of India. Ascertaining the genuinity of the medical leave must be done by the competent authority/employer. Such disputed facts cannot be adjudicated in a writ jurisdiction under Article 226 of the Constitution of India. The leave eligible of an employee is to be ascertained with reference to the service records and in accordance with the leave rules in force.

3. The learned counsel appearing on behalf of the third respondent made a submission that the writ petitioner has already removed from service and appeal filed by the petitioner is pending in this regard. However, as far as the eligible of leave is concerned the third respondent is directed to verify the service records of the writ petitioner and regulate the leave period as per rules in force.

4. With the above observation, the writ petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

ksa/am

+1CC TO MR.V.O.S.KALAISELVAM , Advocate Sr. No. 75881

**W.P[MD) ]No. 3420 of 2014**  
**16.07.2019**

**KM(CO)**

TR (25.07.2019) 2P 2C