

IN THE HIGH COURT OF JUDICATURE AT MADRAS

29.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.9944 of 2020

and

W.M.P.Nos.12092 and 12094 of 2020

K.Amala

... Petitioner

-vs-

1.The Deputy Director of Health Services,
Cuddalore, Cuddalore District.

2.The Block Medical Officer,
Government Primary Health Centre,
Pudhuchathiram, Chidambaram Taluk,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in Na.Ka.No.263/A1/2020 dated 02.07.2020 and quash the same and direct the respondents to sanction medical leave to the petitioner from 30.06.2020 to 30.07.2020 as requested by the petitioner in her medical leave application dated 01.07.2020 and grant her all consequential benefits.

For Petitioner : Mr.P.Manoj Kumar

For Respondents: Mr.R.A.S.Senthil Vel
Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed, seeking to quash the impugned order of the second respondent passed in Na.Ka.No.263/A1/2020 dated 02.07.2020, whereby the medical leave application submitted by the petitioner was rejected. The petitioner also sought a direction to the respondents to sanction medical leave from 30.06.2020 to 30.07.2020 and grant her all consequential benefits flowing therefrom.

2. It is the case of the petitioner that she was transferred and posted at Annamalai University Golden Jubilee Hall and her medical leave application, which was applied on 01.07.2020 on the ground of ill-health, supported by Doctor's certificate, was rejected by an order dated 02.07.2020 and the same was served on the petitioner on 07.07.2020. It is the further case of the Petitioner that she is willing to report for work on 31.07.2020.

3. Learned Additional Government Pleader appearing for the Respondents submitted that the petitioner was specifically posted to take care of patients affected with Covid-19 and hence, the reasons given by her are not genuine. He further submitted that the Petitioner has to appear before the Medical Board in order to ascertain the genuineness.

4. Heard the learned counsel on either side.

5. It is not in dispute that, the Petitioner has applied for Medical leave for a period of 30 days from 30.06.2020 to 30.07.2020. It is seen that the Petitioner was served with the order of rejection of leave dated 02.07.2020 on 07.07.2020. It is not known as to whether the medical certificate given by the petition is genuine or not and the Petitioner has to necessarily appear before the Medical Board on the date specified. Her absence cannot be construed as a major misconduct, as she is prepared to report for work on 31.07.2020 and her services are also required to attend the patients affected by Covid-19 virus.

6. It is represented by the learned counsel for the Petitioner that, the Petitioner is willing to report for work on 31.07.2020.

7. Taking note of the said submissions, this Court permits the Petitioner to join duty on or before 03.08.2020. The Petitioner shall appear before the Medical Board and get clearance, so that, she would be entitled to Earned wages during the Medical leave period, i.e. from 30.06.2020 to 30.07.2020. In case, the Medical Board comes to a conclusion otherwise, her leave period will be treated as 'No Work No Pay'.

8. The observation made by this Court with regard to leave availed by the Petitioner is only for the purpose of disposal of the Writ Petition. If any adverse orders are passed by the Medical Board with regard to leave without affording an opportunity of hearing to the Petitioner, it is open to the Petitioner to question the same.

The Writ Petition is disposed of with the above direction.
No costs. Consequently, connected W.M.P.Nos.12092 and 12094 of
2020 are closed.

Sd/-
Assistant Registrar(CS III)

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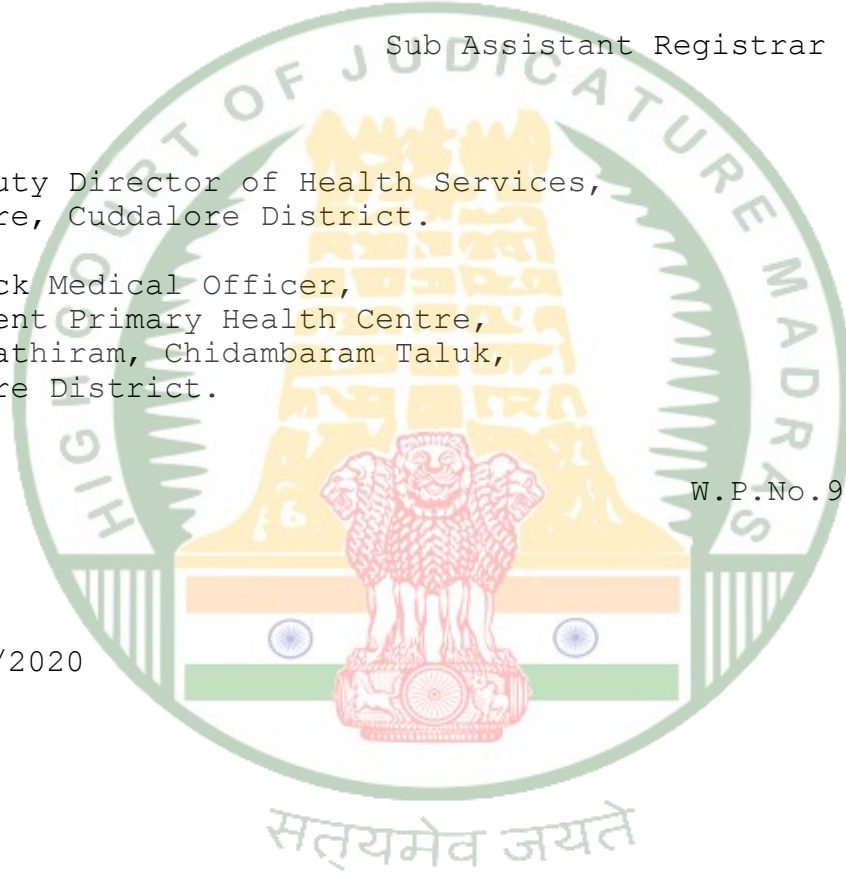
Sub Assistant Registrar

To

- 1.The Deputy Director of Health Services,
Cuddalore, Cuddalore District.
- 2.The Block Medical Officer,
Government Primary Health Centre,
Pudhuchathiram, Chidambaram Taluk,
Cuddalore District.

W.P.No.9944 of 2020

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