



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.01.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD)No.25913 of 2019

T.Arockiasamy ... Petitioner
/vs./

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Block Development Officer (Block Panchayat),
Panchayat Union, Kalayarkovil,
Sivagangai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, direct the first respondent i.e., the District Collector, Sivagangai to take follow up action on his reference No.Na.Ka.No.R4/1796 of 2019, dated 22.02.2019 and 27.02.2019 regarding the petitioner's reinstatement into service, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.R.Sethuraman
Special Government Pleader

ORDER

The petitioners herein claims to have joined duty as Noon Meal Organizer on 02.12.1987. According to the petitioner, he had fell ill and applied for leave on medical grounds on 01.03.2004. On various dates, between 01.03.2004 to 01.10.2010, the petitioner alleges that he had submitted medical certificates regarding his physical inability to attend the office. Ultimately, on 18.01.2019, the petitioner had given a representation to the District Collector in this regard. Based on his representation, the District Collector had sought for a report from the Block Development Officer through his letter, dated 27.02.2019 and since no further action was taken thereafter, the present writ petition has been filed.

2.The learned counsel appearing for the petitioner would submit that based on the petitioner's representation, dated 18.01.2019, the District Collector had sought for certain details from the Block



Development Officer and a report through his letter, dated 27.02.2019. Since the petitioner's representation in this regard has been acted upon by the District Collector, he would submit that the District Collector should be directed to consider his representation and pass appropriate orders.

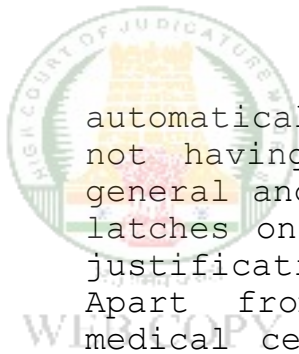
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3.The learned Special Government Pleader appearing for the respondents would object to such a submission and state that the medical certificates obtained by the petitioner would show that the petitioner had not submitted the same before them and that the petitioner who had initially obtained medical leave for a period one month from 01.03.2004, had thereafter failed to report for duty till date. Hence, he would state that the prayer sought for in the present writ petition should not be given any consideration.

4.I I have given careful consideration to the submissions made by the respective counsel.

5.It is not in dispute that the petitioner herein had abstained from his duties from 01.03.2004 onwards. Admittedly, the petitioner has not reported for duty till date. It is more than 15 years, since the petitioner had abstained from his official work. The reasons assigned by the petitioner is that he was under medical ailment and had been producing medical certificates on various instances between the period 01.03.2004 to 01.10.2010. The medical certificates which is claimed to have been produced before the respondents and which is also denied by the respondents of having received it, evidences that the petitioner was having a clinical condition of vomiting and suffering from APD. This Court is unable to comprehend as to how this medical ailment would disentitle or handicap the petitioner to stay on long leave for more than six years between 01.03.2004 to 01.10.2010.

6.Incidentally, the petitioner claims to have applied medical leave by producing the certificates for the aforesaid period alone. The respondents herein have denied receipt of such medical certificates. Without going into these factual aspects, the fact remains that from 2010 till 18.01.2019, there is absolutely no explanation on the part of the petitioner as to what had prompted him to refrain from seeking redressal of his grievances, during this inordinate delay of nine years. The affidavit filed by the petitioner does not even remotely reveal as to why he had not approached the respondents during this period. The last of the letter is stated to have been given by the petitioner during the grievance day held by the District Collector on 18.01.2019. Obviously, when such a representation is made during the course of his grievance, the remarks would be called for by the District Collector based on the averments in the representation, which has also been rightly done by the District Collector through his letter, dated 27.02.2019. Just because the District Collector had responded to the petitioner's representation, dated 18.01.2019, that will not



automatically condone the latches on the part of the petitioner in not having redressed his grievances for all these 15 years in general and the nine years between 2010 to 2019, in particular. The latches on the part of the petitioner herein is inordinate and the justification which he claims to, in his affidavit are unacceptable. Apart from the same, the medical ailments revealed in the medical certificates produced by the petitioner before this Court also raises a doubt on the ailment and the consequent absence and this Court is unable to comprehend as to how even the Medical Doctor attached to the Government Hospital could have given such certificates for recommending leave. Hence, I do not find any merit at all in the present writ petition and it is a fit case where the petition requires to be dismissed on the ground of latches.

7. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Block Development Officer (Block Panchayat),
Panchayat Union, Kalayarkovil,
Sivagangai District.

+1 CC to M/s.S.VISNALINGAM, Advocate (SR-3396[F] dated 28/01/2020)

Order made in
W.P. (MD) No.25913 of 2019
27.01.2020

JMN(17.02.2020) 3P : 4C