



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S. RAMESH

W.P.No.11323 of 2017

Dr.G.Punitha

... Petitioner

Vs

1. The Principal Secretary,
Health and Family Welfare Department,
Government of Tamilnadu,
Fort St., George, Chennai-600009.

2. The Director,
Office of the Directorate of Medical Education,
Chennai-600 010.

3. The Dean,
Government Kilpauk Medical College,
Chennai 600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus call for records to quash the impugned order dated 21.03.2015 passed by the third respondent in Mu.Mu.No.4109 Ni.3.2016 treating the period 02.06.2016 to 08.06.2016 as leave on loss of pay, consequently directing the third respondent to claim and pay my salary to me for the period from 02.06.2015 to 08.06.2015 Difference of D.A. Arrears from Jan 2016 to June 2016 and Pongal Gift for 2016.

For Petitioner : Mrs.S.Annakodi

For Respondents : Mr.K.V.Sajeev Kumar,
Government Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein, while serving as a tutor under the third respondent, had been served with the impugned order dated 21.03.2016, whereby the third respondent had directed to consider the period between 02.06.2015 to 08.06.2015 as a term



on loss of pay. One of the main grounds raised by the petitioner is that, when prior to passing of this impugned order, the third respondent herein had not called for any explanation from the petitioner with regard to the alleged absence between 02.06.2015 and 08.06.2015.

3. The learned counsel for the petitioner would submit that there is some justifiable explanation for the petitioner's absence during this period and the consequential decision of the third respondent to treat that period as leave of loss of pay, is unjustifiable.

4. Admittedly, the impugned order has been passed without affording an opportunity to the petitioner to put forth her objections or explanation, which could be termed as violation of principles of natural justice. On this short ground, the order passed, without extending opportunity to the petitioner, cannot be sustained. Nevertheless, if the respondent is granted liberty to call for the explanation from the petitioner with regard to their intention of treating the aforesaid period as loss of pay, with a consequential direction to consider the explanation of the petitioner, the ends of justice could be secured.

5. In the light of the above observations, the impugned order dated 21.03.2015 passed by the third respondent herein, is quashed. Consequently, the third respondent herein is granted liberty to issue a show cause notice on the intended action of treating the period between 02.06.2015 and 08.06.2015 as leave on loss of pay and after receiving the explanation of the petitioner, the third respondent shall consider the same on its own merits and take further course of action in accordance with law, within a period of three weeks from the date of receipt of the petitioner's explanation.

6. The present writ petitions stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The Principal Secretary,
Health and Family Welfare Department,
Government of Tamilnadu,
Fort St., George, Chennai-600009.



2. The Director,
Office of the Directorate of Medical Education,
Chennai-600 010.

3. The Dean,
Government Kilpauk Medical College,
Chennai 600 010.

+1cc to the Government Pleader, S.R.No.34998

W.P.No.11323 of 2017

VSN-II (CO)
HS (24/08/2021)