



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.6288 of 2019

and

W.M.P (MD)No.5011 of 2019

WEB COPY

P.Surya

... Petitioner

Vs.

1.The Director,
Medical and Rural Health Services,
Chennai-6.

2.The Joint Director,
Medical and Rural Health Services,
Virudhunagar,
Virudhunagar District.

3.The Joint Director,
Medical and Rural Health Services,
Erode,
Erode District.

4.The Medical Officer,
Government Hospital,
Arupukkottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize the period of the maternity leave availed by the petitioner for the period between 30.09.2015 and 24.03.2016 with full wages and disburse the same to the petitioner.

For Petitioner : Mr.C.Venkateshkumar
for M/s.Ajmal Associates
For Respondents : Mr.K.S.Selvaganesan
Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to regularize the period of the maternity leave availed by her for the period between 30.09.2015 and 24.03.2016 with full wages and disburse the same to her.

2.According to the petitioner, she was appointed as Staff Nurse in the year 2009 on consolidated pay and was absorbed into regular time scale of pay on 11.03.2015 and she was regularized in the year 2017. While the petitioner was working as Staff Nurse at Government



Head Quarters Hospital, Erode, she availed maternity leave for 177 days for a period from 30.09.2015 to 24.03.2016. The third respondent by proceedings, dated 21.06.2016, regularized the leave period without wages. Aggrieved by the said order, she gave a representation, dated 22.06.2018, to the second respondent and the same was forwarded to the first respondent on 12.10.2018. According to the petitioner, the first respondent has not passed any order. Hence, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

4. From the materials available on record, it is seen that the third respondent, by proceedings, dated 21.06.2016, regularized the maternity leave taken by the petitioner without wages. The petitioner did not challenge the said order. She has given representation only on 22.06.2018. Having failed to challenge the order, dated 21.06.2016, the petitioner is not entitled to the relief now sought for in the present Writ Petition by giving representation in the year 2018.

5. For the above reasons, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ps

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Director,
Medical and Rural Health Services,
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2. The Joint Director,
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Virudhunagar District.



3.The Joint Director,
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4.The Medical Officer,
Government Hospital,
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+1 CC to M/s.SPL GP (SR-24031[F] dated 27/07/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-23945[F] dated
27/07/2021)

W.P. (MD)No.6288 of 2019
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SGS (CO)
KB(19.08.2021) 3P 7C