



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.3.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.17750 of 2020
and
W.M.P.No.22010 of 2020

1. C.Tamizhselvan

...Petitioner

Vs.

1. The Chairman Cum Managing Director,
TANGEDCO, 144, Anna Salai,
Chennai 600 002.

2. The Managing Director
TANTRANSCO, 19th Floor, Eastern Wing,
NPKKR Maaligai, 144, Anna Salai,
Chennai 600 002.

3. The Chief Engineer(Transmission),
6th Floor, Western Wing,
NPKKR Maaligai, 144 Anna Salai,
Chennai 600 002.

4. The Chief Engineer (Transmission Projects-II),
Mannarpuram, Tiruchirapalli- 620 020. ...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, calling for the records pertaining to the order dated 23.10.2019 passed by the 4th respondent and quash the same and direct the respondents 1 to 3 to issue orders to regularise the leave as leave without pay and allowance with Medical Certificate instead of Leave without pay and allowance for the period from 06.11.2011 to 07.11.2011 - 2 days and 02.02.2012 to 24.09.2012 - 236 days and correspondingly enter the corrections in the Service Book of the petitioner for the continuity of service, service benefits including pension.

For Petitioner : Mr.A.S.Baalaji

For Respondents : Mr.P.Subramanian
Standing Counsel



O R D E R

The petitioner while working as Assistant Executive Engineer, Vridhachalam, GCC/Trichy has taken extraordinary leave from 10.10.2011 to 5.11.2011 for 27 days as earned leave and submitted leave application for earned leave on 6.11.2011 and 7.11.2011. Thereafter, he continued his leave without any immediate intimation and belatedly submitted the leave application from 8.11.2011 to 31.12.2011 for 54 days of Unearned leave on Medical Certificate, from 1.1.2012 to 29.2.2012 - 60 days for extension of Unearned leave on Medical Certificate, from 1.3.2012 to 31.3.2012 for 31 days extension of Unearned leave Medical Certificate from 1.4.2012 to 31.5.2012 for 61 days extension of Unearned leave on Medical Certificate. The above Unearned leave on Medical Certificate applications are all sent to the Medical Board, Government Medical Hospital, Villupuram for verifying the above Medical leave period. The prayer as sought for in the writ petition is to regularise the leave as 'leave without pay and allowance with Medical Certificate' for the period from 6.11.2011 to 7.11.2011 - two days and 2.2.2012 to 24.9.2012 - 236 days. The respondent has rejected the said claim of the petitioner without considering the direction passed by this Court. The petitioner came to know that there is a mistake in regularizing his leave and the corresponding entry in service book. Hence, the petitioner approached the respondents to rectify the mistake. Thereafter, the petitioner came to know that proceedings of Assistant Administrative officer, dated 22.5.2012 wherein the respondent regularize the leave without pay and allowances. Despite several representations requesting the respondents to correct the mistake, does not evoke any response from the respondents. Therefore, the petitioner has approached this Court by way of W.P. No.18794 of 2019. Pursuant to the direction issued by this Court, the fourth respondent passed the impugned order rejecting the claim of the petitioner without assigning any reason. Therefore, the petitioner has filed the present writ petition before this Court.

2.The short ground raised by the writ petitioner is that the fourth respondent without assigning any reason, rejected the claim of the petitioner. The respondent has simply rejected the claim of the petitioner by stating that the petitioner is not eligible for the said leave and therefore, the impugned order is liable to be set aside.

3.The learned Standing Counsel appearing for the respondents would submit that on perusal of the impugned order, the petitioner is not entitled for the said claim and therefore, interference of this Court is not required. A perusal of the impugned order clearly shows that the said order has been passed



without assigning any reason for rejecting the claim and therefore, it is a non speaking and cryptic order and the same is liable to be quashed.

4. In view of the above, the impugned order passed by the 4th respondent, dated 23.10.2019 is quashed and matter is remanded to the fourth respondent to consider afresh and pass reasoned order on merit and in accordance with law, as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of copy of this order.

5. With the above directions, the writ petition is allowed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman Cum Managing Director,
TANGEDCO, 144, Anna Salai, Chennai 600 002.
2. The Managing Director
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3. The Chief Engineer (transmission),
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NPKKR Maaligai, 144, Anna Salai,
Chennai 600 002.
4. The Chief Engineer (Transmission Projects-II),
Mannarpuram, Tiruchirapalli- 620 020.

+1cc to M/s.A.S.Balaji, Advocate, S.R.No.20794
+1cc to M/s.P.Subramanian, Advocate, S.R.No.21198

W.P.No.17750 of 2020
and W.M.P.No.22010 of 2020

SKM(CO)
RGA(19/04/2022)