



W.A(MD)No.84 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.A(MD)No.84 of 2017

K.Kanthavel

... Appellant/Petitioner

Vs.

1.The Superintending Engineer,
TNEB,
Ramanathapuram Distribution Circle,
Ramanathapuram,
Ramanathapuram District.

2.The Executive Engineer (Distribution),
Tamilnadu Electricity Board,
Paramakudi Division,
Paramakudi,
Ramanathapuram District.

3.The Chairman,
Medical Board,
Government Head Quarters Hospital,
Ramanathapuram.

...Respondents /Respondents



W.A(MD)No.84 of 2017

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.8963 of 2010, dated 02.09.2014.

For Appellant : Mr.T.Lajapathi Roy
For Respondents : Mr.T.S.Gopalan - for R1 & R2
: Mr.D.Sasikumar - for R3
Additional Government Pleader

JUDGMENT

J. NISHA BANU, J.

AND

N. ANAND VENKATESH, J.

The subject matter of challenge in this writ appeal pertains to the order passed by the learned Single Judge dismissing W.P(MD) No. 8963 of 2010 by an order, dated 02.09.2014, which was filed challenging the proceedings of the second respondent, dated 02.06.2010.

2.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.T.S.Gopalan, learned counsel appearing for the respondents 1 and 2 and Mr.D.Sasikumar, learned Additional Government Pleader appearing for the third respondent.



W.A(MD)No.84 of 2017

3. It is brought to our notice that the short issue that requires the consideration of this Court in this writ appeal pertains to the observation made at paragraph No.5 of the order and for proper appreciation, the same is extracted hereunder :-

"5.The next spell of leave is between 30.11.2008 to 12.01.2009. For this period, the District Medical Board did not recommend. But, the petitioner did not attend duty and therefore disciplinary proceeding was initiated against the petitioner. In view of the same, this period was not treated as medical leave period. In my considered opinion, regarding this, the petitioner has no case, because, as rightly pointed out, he was not entitled for medical leave for this period, for want of recommendation by the by the District Medical Board."

4. The subject matter of challenge was the order passed by the Executive Engineer and it is brought to our notice that there is an appeal remedy provided before the Superintending Engineer or in the alternative before the Chief Engineer (Personnel), TNEB, Mount Road, Chennai.



W.A(MD)No.84 of 2017

WEB COPY

5. In view of the same, we do not propose to go into the merits of the order passed by the second respondent and liberty is granted to the appellant to make a representation/appeal before the Superintending Engineer, namely, the first respondent or in the alternative, before the Chief Engineer (Personnel), within a period of two weeks from the date of receipt of a copy of this order pertaining to the issue captured at paragraph 5 referred supra. The Superintending Engineer or the Chief Engineer (Personnel), as the case may be, shall consider the representation made by the petitioner and pass appropriate orders in accordance with law within a period of eight weeks, thereafter.

6. This writ appeal is disposed of in the above terms. No costs.

[J.N.B, J.] & [N.A.V., J.]
21.09.2022

Index: Yes/No
Internet: Yes/No
rm



W.A(MD)No.84 of 2017

Copy to :

- 1.The Chief Engineer (Personnel)
TNEB,
Mount Road,
Chennai.
- 2.The Superintending Engineer,
TNEB,
Ramanathapuram Distribution Circle,
Ramanathapuram,
Ramanathapuram District.
- 3.The Executive Engineer (Distribution),
Tamilnadu Electricity Board,
Paramakudi Division,
Paramakudi,
Ramanathapuram District.
- 4.The Chairman,
Medical Board,
Government Head Quarters Hospital,
Ramanathapuram.



WEB COPY



W.A(MD)No.84 of 2017

J. NISHA BANU, J.

AND

N. ANAND VENKATESH, J.

rm

JUDGMENT MADE IN

W.A(MD)No.84 of 2017

21.09.2022