



W.P.No.2191 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.2191 of 2020

V.Murugan

... Petitioner

Versus

1.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genies Road, Panagal Maligai,
Saidapet, Chennai – 15.

2.The Additional Chief Conservator of Forests,
Dharmapuri Forest Region,
Dharmapuri, Dharmapuri District.

3.The Divisional Forest Officer/ Wildlife Warden,
Hosur Forest Division,
Hosur, Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the entire records of impugned order made in Se.Mu.No.27/2019/Pa.1, dated 30.10.2019 passed by the 3rd respondent and quash the same, consequently direct the 3rd respondent treat the petitioner's leave period as unearned leave based on the medical certificate and grant all consequential service and monetary benefits.

For Petitioner : Mr. R. Jothimanian

For Respondents : Mr. D. Gopal
Government Advocate.



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ORDER

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The petitioner has filed this Writ Petition seeking a direction to call for the entire records of the impugned order made in Se.Mu.No.27/2019/Pa.1, dated 30.10.2019 passed by the 3rd respondent and quash the same, with a consequential direction to the 3rd respondent to treat his leave period as unearned leave based on the medical certificate produced by him and for the grant of all consequential service and monetary benefits.

2. The grievance of the petitioner is that he is working in the respondent's department for more than 36 years without any blemished records. Without considering his service and indisposed condition, the third respondent transferred him very far from the present station, it is not at all correct as per G.O.Ms.No.431, P&R Department, dated 25.04.1981, in which, it is stated that the employees aged more than 40 years should not be transferred to hill areas. Though he submitted the medical certificate for the leave period between 20.07.2017 to 25.05.2018, the third respondent regularised his leave period on the basis of without salary, which is highly condemnable and it is the main grievance of the petitioner to treat his leave period as a regular period of service and to grant salary for the same period.



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2. Heard the learned Counsel on both sides and perused the material records of the case.

3. It is mentioned in the impugned order dated 30.10.2019, with regard to the leave period between 20.07.2017 to 25.05.2018, the petitioner has produced a medical certificate and the same was not considered by the third respondent/Divisional Forest Officer, hence, the petitioner is directed to give a representation to the third respondent, within a period of two weeks from the date of receipt of a copy of the order and the same may be considered by the third respondent on merits and in accordance with the law, within a period of four weeks thereafter.

4.The Writ Petition stands disposed of with the above direction. No costs.

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Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

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J.SATHYA NARAYANA PRASAD,J.

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To:

- 1.The Director,
Commissionerate of Rural Development and Panchayat Raj,
Panagal Building, Chennai – 15.
- 2.The District Collector,
Kancheepuram District,
Kancheepuram.
- 3.The District Collector,
Chengalpattu District,
Chengalpattu.

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