



W.P.No.27924 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27924 of 2012

A.Gunaseelan

... Petitioner

Vs.

1. The Chief Engineer General (Building)
Chepauk, Chennai-600 005.

2. The Assistant Executive Engineer,
Stanley Sub-Division,
Chennai-600 001.

3. The Executive Engineer,
North Presidential Division
Chepauk, Chennai-600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus or any other Writ, Order or Direction in the nature of Writ of Mandamus, directing the respondents to consider the representation dated 15.03.2011.

For Petitioner : Mr.R.K.Kalpana

For Respondents : Mr.M.Muthusamy,
Government Advocate



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ORDER

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 15.03.2011.

2. The petitioner had worked in the respondent department and retired from service on 28.02.2009. During his service, he had taken medical leave for 18 days. After completion of 10 years of service, due to 18 days leave, selection grade order was given only on 18.01.1997. As per G.O.No.400 dated 05.09.1936, commutation of extra-ordinary leave into earned leave in the case of Government servants to whom Madras Leave Rules, 1936 is applicable, is permissible. Hence, the petitioner submitted a representation after his retirement.

3. On a perusal of the counter filed by the respondents revealed that the petitioner availed leave from 27.03.1987 to 31.03.1987(five days), 25.09.1987 to 30.09.1987 (six days) and 25.10.1987 to 31.10.1987 (seven days). This period of 18 days falls between the probation period ie., between 01.01.1987 and 31.12.1988. If the leave was availed during



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the probation period, the probation period will be extended to the corresponding period. The petitioner attained selection grade on 18.01.1997 and hence, the selection grade order was issued on 18.01.1997.

4. In view of the above, relief sought for by the petitioner in this Writ Petition cannot be considered. The Writ Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

01.09.2023

mfa/gvn

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

G.K.ILANTHIRAIYAN,J.,



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mfa/gvn

To

1. The Chief Engineer General (Building)
Chepauk, Chennai-600 005.
2. The Assistant Executive Engineer,
Stanley Sub-Division,
Chennai-600 001.
3. The Executive Engineer,
North Presidential Division
Chepauk, Chennai-600 005.
4. The Public Prosecutor,
High Court, Chennai.

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