



WEB COPY



W.P. No. 7344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7344 of 2023

Dr. K.Rahul Anand, DGO, DNG (OG)

... Petitioner

-VS-

1. The Principal Secretary to the Government,
Health and Family Welfare (B1) Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2. The Director of Medical and Rural Health Services,
Office of the DMS, DMS Complex,
Teynampet, Chennai – 600 006.

3. The Joint Director of Health Services,
Office of the DMS, Cuddalore.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider the representation dated 05.12.2022.

For Petitioner : Mr. V.Balu

For Respondents : Mrs. R.Anitha,
Special Government Pleader



W.P. No. 7344 of 2023

ORDER

WEB COPY Heard Mr. V.Balu, Learned Counsel for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader appearing on behalf of the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had taken leave for a period of two years while working in the services of the Government of Tamil Nadu during 24.08.2017 to 25.08.2019 and the said period was regulated as extraordinary leave without pay and medical allowances without medical certificate.

3. Rule 21 of the Tamil Nadu Study Leave Rules, 1965 provides as follows:-

“ Counting of study leave for promotion, pension, seniority, leave and increments.—

(1)study leave shall count as service for promotion, pension and seniority. It shall also count as service for increments as provided in Rule 26 of the Fundamental Rules.

(2)the period spent on study leave shall not count for leave.”



W.P. No. 7344 of 2023

WEB C

However, the said benefit had not been granted to the Petitioner and in such circumstances, he had made representation dated 05.12.2022 for which he did not receive any response. In that backdrop, the Petitioner has filed this Writ Petition.

4. Since the Petitioner has not produced any proof of receipt of the said representation by the Respondents, Learned Counsel for the Petitioner states that another copy of that representation would be submitted by 15.03.2023 under written acknowledgment.

5. In view of the foregoing discussion, this court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) if the Petitioner makes any representation under written acknowledgment seeking the benefit of Study Leave, the concerned authority shall duly examine the same including ascertaining as to whether the Petitioner would be entitled for such relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not



W.P. No. 7344 of 2023

- less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment within a period of 60 days from the date of receipt of representation from the Petitioner in this case;
- (v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and
- (vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

10.03.2023

skr

Index: Yes/No

Neutral Citation : Yes/No

Note: Issue order copy by 16.06.2023.



W.P. No. 7344 of 2023

To

1. The Principal Secretary to the Government,
Health and Family Welfare (B1) Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director of Medical and Rural Health Services,
Office of the DMS, DMS Complex,
Teynampet, Chennai – 600 006.
3. The Joint Director of Health Services,
Office of the DMS, Cuddalore.

Copy to

The Registrar (Judicial)
Madras High Court,
Chennai.



WEB COPY



W.P. No. 7344 of 2023

P.D. AUDIKESAVALU, J.

skr

W.P. No. 7344 of 2023

10.03.2023