



W.A.(MD) No.297 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.297 of 2020

R.Rajendran

... Appellant

-vs-

1.The Director
Town Panchayat
Kuralagam, Chennai-108

2.The District Collector
Madurai District

3.The District Collector
Virudhunagar District

4.The Assistant Director
Town Panchayat
Sivagangai Zone, Sivagangai District

5.The Assistant Director
Town Panchayat
Madurai Zone, Madurai District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 01.11.2019, passed in W.P.(MD) No.6557 of 2018, on the file of this Court.



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For Appellant : Mr.K.Suresh Kumar

For Respondents : Mr.T.Amjadkhan
Government Advocate

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 01.11.2019, passed in W.P.(MD) No.6557 of 2018.

2. The appellant joined as part time Panchayat Clerk at Bodinaickanpatti Village Panchayat, Madurai District, on 01.03.1978. After promotion to the posts of Junior Assistant and Assistant, he was allowed to retire from service as Executive Officer on 30.06.2014, after rendering 33 years of service. The appellant states that he had applied for medical leave, which was partly considered by the Medical Board and partly rejected on the ground of genuinity of sick suffered by him. It is not in dispute that the appellant was transferred from Kaliyakkavilai Town Panchayat to Vathirayiruppu Town Panchayat, Virudhunagar District and he had not immediately joined the duty, but, he joined on 11.07.2012 at Vathirayiruppu Town Panchayat. After joining in the transferred place, he was referred to



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Medical Board for examination and the Medical Board granted medical leave for the period from 01.05.2012 to 30.06.2012, 01.07.2012 to 15.07.2012 and 17.07.2012 to 15.09.2012. Therefore, the competent authority sanctioned the medical leave based on the report of the Medical Board. The Medical Board being an expert body, examined the appellant and submitted a report. High Court cannot substitute its opinion or interfere with the medical opinion. As per the report of the Medical Board, medical leave facilities were extended to the appellant and therefore, he is not entitled to claim any further benefit of medical leave as per the Leave Rules in force. Thus, we do not find any reason to interfere with the findings of the learned Single Judge.

3. Accordingly, this writ appeal is dismissed. No costs.

[S.M.S., J.]

[V.L.N., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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