



WP.No.10738 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.01.2024

CORAM

**THE HONOURABLE MS. JUSTICE R.N.MANJULA**

W.P.No.10738 of 2021

A.Ganesan

...

Petitioner

Vs.

1.The Managing Director

Tamil Nadu State Transport Corporation Ltd.

37 Mettupalayam Road, Coimbatore 641 043

2.The General Manager

Tamil Nadu State Transport Corporation Ltd.

Coimbatore Tirupur Region, Tirupur.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents to declare the probation of the Petitioner with effect from November 2020 and also direct the period of 18 days between 21.01.2021 and 10.02.2021 to be treated as duty period with consequential arrears of pay and other allowances.

For Petitioner : M/s.T.Hemalatha.

For Respondents : Mr.A.Sundarvadhanam



**ORDER**

WEB COPY This Writ Petition has been filed seeking direction against the Respondents to declare the probation of the Petitioner with effect from November 2020 and also direct the period of 18 days between 21.01.2021 and 10.02.2021 to be treated as duty period with consequential arrears of pay and other allowances.

2. The petitioner, who was working as an Assistant Manager in the respondents corporation was originally appointed in 1993. When the petitioner was promoted to the post of Assistant Manager (Operation) in Triupur from November 2019 to March 2020 and as Tirupur I Branch Manager from April 2020 to October 2020, he was affected by CORONA and he was hospitalised for a month. Even after discharge, the petitioner needed to undergo continuous physiotherapy sessions and he joined duty on 01.01.2021. On 19.01.2021, he requested two days of leave for January 19 and 20, 2021 from the second respondent in order to take a blood test. The second respondent approved the leave and he directed him to submit his leave application.

2.1. However, the petitioner needed to continue leave due to his health condition and hence he informed the deputy manager about his intention to extend the leave. Thereafter, he submitted the leave letter for a period from



20.01.2021 to 02.02.2021. But, leave was granted only for 20.01.2021 and it was marked absent from 21.01.2021 to 02.02.2021. Despite the petitioner attended duty from 03.02.2021, it is marked absent from 03.02.2021 to 06.02.2021. The petitioner was marked absent for 18 days even though he gave prior intimation to the concerned officers and submitted the leave letter.

**2.2.** On coming to know this, the petitioner gave a representation on 18.2.2021 requesting the authorities to regularise the leave period as Earned Leave along with a Xerox copy of the leave letter. No action has been taken so far. The petitioner has completed the period of probation during the month of May 2020 itself. Due to some pending legal proceedings, the probation was extended for a period of six months. The petitioner submitted another representation on 20.02.2021 by enclosing the medical records for declaration of probation. As his representation has not been so far considered, he has filed this writ petition.

**3.** Heard, M/s.T.Hemalatha, learned Senior Counsel for the petitioner and Mr.A.Sundarvadhanam, learned counsel for the respondents and perused the materials available on records.

**4.** Since the petitioner was affected with COVID and he needs to take



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follow-up treatment. The respondents could have considered his leave application and granted leave. Since the period for which the leave was applied was not granted and marked as absent, along with the few days during which he attended duty, he did not get his probation declared. However, the petitioner has submitted a representation that has not yet been considered by the respondents. Since the respondents have the decision-making authority, they ought to have considered the representation and passed orders.

5. In view of the same, this Writ Petition is **allowed**. The respondents are directed to consider the representation dated 20.02.2021 of the petitioner and pass an order on merits in order to get the probation of the petitioner declared with effect from the date on which it is due to him. This exercise shall be carried out within a period of four weeks from the date of receipt of a copy of this order.

No costs.

**29.01.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking/Non-speaking  
Neutral Citation : Yes/No  
jrs

To

1.The Managing Director

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Coimbatore Tirupur Region, Tirupur.



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**R.N.MANJULA, J.**

jrs

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