



W.A(MD)No.284 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.06.2024**

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**
and
THE HONOURABLE MRS.JUSTICE **L.VICTORIA GOWRI**

W.A(MD)No.284 of 2019
and CMP(MD)No.2340 of 2019

1.The Deputy Manager (Admn.),
Tamil Nadu State Transport Corporation Ltd.,
Regional Office,
Karaikudi,
Sivagangai District.

2.The Deputy Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Ramanathapuram.

3.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Paramakudi,
Ramanathapuram District.

...Appellants/Respondents

Vs.

M.Jahangeer

..Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letter Patent as against the order passed by this Court dated 20.03.2018 made in W.P(MD)No.2788 of 2018.

For Appellants : Mr.A.Kannan
For Respondent : No Appearance



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J U D G M E N T

[Judgment was delivered by **L.VICTORIA GOWRI, J.**]

This Writ Appeal has been directed as against the order passed by the learned Single Judge in W.P.(MD)No.2788 of 2018, dated 20.03.2018.

2.The brief facts which led to the filing of the Writ Petition is as follows:-

(a)The respondent herein has filed the Writ Petition seeking to direct the appellants to treat the respondent's absence for duty from 03.01.2018 to 15.01.2018 (13 days) as medical leave and disburse salary for the said period. The learned Single Judge after hearing both the parties directed the appellants to treat the aforesaid period as one on medical leave and the Management was further directed to calculate salary for the said period as one of medical leave and accordingly, the same was allowed.

(b)The appellants have assailed the said order on the ground that the leave application has been submitted by the respondent herein through a third party only with an intention to take part in an illegal strike called for by the Trade Unions, which commenced on 09.01.2018. The appellant's contention is that, the respondent has submitted the said application knowing fully well that



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the Branch Manager cannot sanction leave for a period of more than 7 days and he has also been visited by a charge memo dated 19.01.2018 for unauthorized absence for the period from 09.01.2018 to 11.01.2018 and the said disciplinary proceeding is still pending and in view of the same, even before the genuineness of his claim regarding illness, is decided in the inquiry, the said period cannot be regularized as medical leave.

3.Heard the learned counsel appearing for the appellants, the learned counsel for the respondent and carefully perused the available materials on record.

4.The leave letter of the respondent seeking permission to grant leave from 03.01.2008 to 17.01.2008, in view of his admission in hospital due to Cholera has been duly submitted by the respondent herein to the third appellant along with medical certificate. It is our considered view that a person, who is hospitalized cannot be expected to submit leave application in person and hence, the respondent herein has submitted the same through his son-in-law. However, the said application was rejected by the third appellant directing the respondent to submit the same before the first appellant. After being discharged from the hospital, the respondent herein along with appropriate medical



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certificate further approached the first appellant to sanction his period of absence from 03.01.2018 to 15.01.2018 as medical leave. Though it is the contention of the appellants before this Court that the period of absence of the respondent from duty and the period of strike, which was called for by the Trade Unions would reflect on the conduct of the respondent and the said coincidence itself would speak volumes as to the participation of the respondent in the aforesaid strike, we do not find it fit to interfere with the decision of the learned Single Judge by which a quietus has been given to the issue by directing the appellants to treat the aforesaid period as one on medical leave.

5. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs. Consequently, miscellaneous petition is closed.

(N.S.S., J.) (L.V.G., J.)
11.06.2024

Index : Yes / No
Neutral Citation : Yes / No
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