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W.P.(MD) No.16073 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.16073 of 2018

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... Petitioner

-VS-

1.The General Manager
Tamil Nadu State Express
Transport Corporation
Thiruvalluvar Illam
Pallavansalai
Chennai-600 002

2.The Branch Manager
Tamil Nadu State Express
Transport Corporation
Kanyakumari Branch
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent to remove the unauthorized absence in the attendance register from 19.03.2018 to 03.04.2018 and treat it as medical leave on the basis of medical certificate



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given by the petitioner herein and consequently to pay the leave salary forthwith.

For Petitioner : Mr.S.Louis

For Respondents : Mr.K.Sathiya Singh
Standing Counsel

ORDER

The petitioner has filed this writ petition for a mandamus seeking for a direction to the second respondent to treat his absence for the period from 19.03.2018 to 03.04.2018 as medical leave, based on the medical certificate produced by him and consequently, to pay his leave salary.

2. According to the petitioner, only due to his illness during the period from 19.03.2018 to 03.04.2018, he had availed medical leave, which was not considered by the respondents, but instead, they treated the said leave as unauthorized absence. The petitioner has given representations to the respondents seeking to treat the period of his absence i.e. from 19.03.2018 to 03.04.2018 as medical leave and to pay his leave salary. The last such representation given by him to the first respondent was dated 07.05.2018.



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Since the said representations were not considered by the respondents, the petitioner has filed the present writ petition.

3. A counter affidavit has been filed by the respondents denying the contentions of the petitioner in this writ petition as they would submit that the petitioner was earlier imposed with several punishments and the period of his absence from 19.03.2018 to 03.04.2018 was unauthorized absence and it was not on account of his illness as claimed in his representation.

4. No prejudice will be caused to the respondents, if the petitioner's representation dated 07.05.2018 seeking to treat his absence for the period from 19.03.2018 to 03.04.2018 as medical leave and consequently, to pay his leave salary, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the first respondent to pass final orders, on merits and in accordance with law, on the petitioner's representation, dated 07.05.2018, seeking to treat his absence for the period from 19.03.2018 to 03.04.2018 as medical leave and consequently,



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to pay his leave salary for the said period, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is also granted liberty to produce all medical certificates applicable for the said period before the first respondent to prove his illness during the said period. It is made clear that this Court has not expressed any opinion on the merits of the matter.

6. With the above direction, this writ petition is disposed of. No costs.

19.08.2024

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

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ABDUL QUDDHOSE, J.

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