



W.P.No.3835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.3835 of 2024

M.Venkatesan

... Petitioner

Vs.

1.The Chief Educational Officer,
Salem,
Salem District.

2.The District Educational Officer,
Salem,
Salem District.

3.The Head Master,
Government Boys Higher Secondary School,
Valapadi,
Valapadi Taluk,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings passed by the first respondent in Na.Ka.No.003616/A2/2023 dated 24.10.2023, quash the same insofar as it relates to not granting salary for the leave period of 102 days and consequently, directing the respondents to sanction and pay the salary for the said period.



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For Petitioner : Mr.M.Elango

For Respondents : Mrs.S.Mythreye Chandru. SGP

ORDER

Challenging the impugned proceedings passed by the first respondent in Na.Ka.No.003616/A2/2023 dated 24.10.2023, insofar as it relates to not granting salary for the leave period of 102 days, the present Writ Petition has been filed. Further, the petitioner has sought for a direction to the respondents to sanction and pay the salary for the said period.

2. Heard both sides.

3. The short facts which leads to the filing of the present petition is as follows:

3.1. The petitioner was appointed as Lab Assistant in the third respondent's school on 17.04.2017 and his service got regularized on 04.11.2019 with effect from 18.04.2017. While so, due to property dispute between the petitioner and his brother, a case was registered against the petitioner in Cr.No.348 of 2019 and a counter case against his brother. Due to the said dispute, the petitioner was attacked and sustained injuries, for which he obtained medical leave for 88 days. Thereafter, on recovery, the

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petitioner made a petition on 12.02.2020 seeking permission to join duty, however, the third respondent directed him to approach the second respondent, who in turn instructed the third respondent to refer the petitioner to medical board and receive medical certificate and on receipt of the same, permission was granted only on 10.06.2020 which delay was due to administrative reasons. Since the delay was due to administration, the leave as well as the delay period, in total 203 days, has to be treated as duty period as per rule and salary has to be paid by the respondents. Hence, the petitioner made a representation dated 21.12.2020 for the aforesaid relief. Since there was no response, the petitioner filed a Writ Petition in W.P.No.12168 of 2023 and this Court by its order dated 21.04.2023 disposed the petition, by directing the respondent to examine and consider his representation and pursuant to which, the respondent conducted enquiry and the first respondent through his proceedings dated 24.10.2023, treated 57 days and 44 days as medical leave with salary and eligible leave with salary, however, the period of 102 days were treated as loss of pay. Aggrieved by the same, the present Writ Petition.

4. The learned counsel for the petitioner submitted that the leave and delay period totally comes to 203 days and without any proper analyzation, the respondents had passed the impugned order, by treating the leave period



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57 days and 44 days as medical leave with salary and eligible leave with salary and the period of 102 days as loss of pay, which is unsustainable as per rule. He further submitted that the leave and delay period has to be considered as 'duty period' and to grant the relief as sought for in the prayer and accordingly, he prayed to pass appropriate orders.

5. Per contra, the learned Special Government Pleader appearing on behalf of the respondents submitted that the leave period of the petitioner was considered by the respondents strictly in terms of the Tamil Nadu Leave Rules 1933 and Government Order in G.O.(Ms) No.8, Personnel and Administrative Reforms (F.R. III-2) Department, dated 19.01.2015. She submitted that as per the guidelines, a Government Servant intending to go on unearned leave on medical ground should submit his application well in advance i.e., before going on unearned leave on medical certificate and in exceptional cases, where such advance application is not possible, it must be submitted within 7 days from the date of entering on such leave. She further submitted that the petitioner in the present case has not done so and the impugned order has been passed strictly adhering to the Tamil Nadu Leave Rules 1933 and Government Order in G.O.(Ms) No.8, Personnel and Administrative Reforms (F.R.III-2) Department, dated 19.01.2015 and hence, the same warrants no interference.



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6. On perusal of the records, it is seen that the petitioner without prior permission or intimation had availed the leave and also that without furnishing the medical certificate as per the guidelines of the Tamil Nadu Leave Rules 1933 and Government Order in G.O.(Ms) No.8, Personnel and Administrative Reforms (F.R.III-2) Department, dated 19.01.2015, has come with the present petition seeking to consider the total leave period as duty period and to pay him the salary, which is not permissible and hence, the petition is liable to be dismissed. Accordingly, the Writ Petition stands dismissed. There shall be no orders as to costs.

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Index: Yes/No

NCC : Yes/No

Order : Speaking/Non Speaking

DP



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M.DHANDAPANI.J,

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