



W.P.(MD)No.16125 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

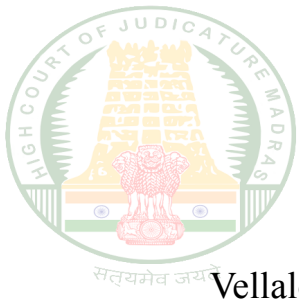
W.P.(MD) No.16125 of 2025

P.Raja

: Petitioner

Vs.

1. State of Tamil Nadu
Represented by, the Principal Secretary ,
Health and Family Welfare Department ,
Fort St.George,
State Secretariat ,
Chennai - 600009.
2. The Director,
Directorate of Public Health and
Preventive Medicine,
No.359, DMS Complex,
Anna Salari,
Chennai - 600006.
3. The District Health Officer
/ Deputy Director,
Office of the District Health Officer / Deputy
Director,
Public Health and Preventive Medicine,
Vishwanathapuram,
Madurai District.
4. The Block Medical Officer,
Office of the Block Medical Officer ,



W.P.(MD)No.16125 of 2025

WEB COM

Vellalore Block,
Melur Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take appropriate action to disburse petitioner salary for the period of 10 days from 24.11.2024 to 03.12.2024 by regularize the said period as Medical Leave by considering petitioner representation dated 06.06.2025 in accordance with law.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.K.Balasubramani

Special Government Pleader

ORDER

The writ petition has been filed for the issuance of a writ of Mandamus, directing the respondents to take appropriate action to disburse the petitioner's salary for the 10 day period from 24.11.2024 to 03.12.2024, by regularizing the said period as Medical Leave, based on the petitioner's representation dated 06.06.2025, in accordance with law.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



W.P.(MD)No.16125 of 2025

WEB COPY

3. The petitioner asserts that he has been serving as a Civil Surgeon in the Health and Family Welfare Department since 02.04.2007. He states that he availed medical leave from 03.11.2024 to 23.11.2024 (21 days) based on medical records, during which period he received his salary. He further extended his leave from 24.11.2024 to 03.12.2024 (10 days), however, this extended period was subsequently declared as leave without pay. The grievance of the petitioner is that this change in status, i.e., treating the extended leave as leave without salary, was not communicated to him at the relevant time and that he became aware of it only upon receiving a communication dated 16.04.2025. Although the petitioner availed the said extension of leave with prior permission, his salary for the said period was deducted and he is now also facing obstacles regarding his promotion. In this regard, the petitioner submitted a representation dated 06.06.2025 to the respondents, requesting that the ten day period shall be regularized as medical leave and that the corresponding salary be disbursed. As no action has been taken on the said representation, the petitioner has now filed the present writ petition.



W.P.(MD)No.16125 of 2025

WEB COPY

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the first respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 06.06.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter,



W.P.(MD)No.16125 of 2025

WEB COPY

within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

18.06.2025

Index : Yes / No

Internet : Yes / No

PKN

To

1. State of Tamil Nadu
Represented by, the Principal Secretary ,
Health and Family Welfare Department ,
Fort St.George,
State Secretariat ,
Chennai - 600009.

2. The Director,
Directorate of Public Health and
Preventive Medicine,
No.359, DMS Complex,
Anna Salari,
Chennai - 600006.



W.P.(MD)No.16125 of 2025

3. The District Health Officer
/Deputy Director,
Office of the District Health Officer / Deputy
Director,
Public Health and Preventive Medicine,
Vishwanathapuram,
Madurai District.

4. The Block Medical Officer,
Office of the Block Medical Officer ,
Vellalore Block,
Melur Taluk,
Madurai District.



WEB COPY



W.P.(MD)No.16125 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.16125 of 2025

18.06.2025