



WEB COPY

WP No. 3101 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

W.P No. 3101 of 2024

S.Duraisamy

Petitioner

Vs

1. The Chairman & Secretary to the
Government,
Transport Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2. The Management,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Erode Region,
Chennimalai Road,
Erode-638 001.

Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying
to issue Writ of Certiorarified Mandamus calling for the records of the 2nd
Respondent in proceedings in
Na.Ka.No.1687/B10/Pa.Pi.2/Tha.Aa.Po.Ka/Ko/E.Ma/2023 dated 20.07.2023
and to quash the same and consequently direct the 2nd respondent to regularize



the petitioner's leave commencing from 12.11.2019 to 03.08.2021 towards the available medical leave commencing from 12.11.2019 to 03.08.2021 towards the available medical leave or earned leave available found in his credit.

For Petitioner: Mr.V.Govardhan

For Respondents: Mr.P.Balathandayutham (R1)
Special Government Pleader
Mr.T.Chandrasekaran (R2)

ORDER

This Writ Petition has been filed challenging the proceedings of the 2nd Respondent in Na.Ka.No.1687/B10/Pa.Pi.2/Tha.Aa.Po.Ka/Ko/E.Ma/2023 dated 20.07.2023 and to quash the same and consequently direct the 2nd respondent to regularize the petitioner's leave commencing from 12.11.2019 to 03.08.2021 towards the available medical leave commencing from 12.11.2019 to 03.08.2021 towards the available medical leave or earned leave available found in his credit.

2.The facts in nutshell are as follows:

(i) The Petitioner joined the Tamil Nadu State Transport Corporation in the month of May,1987 and got confirmed as Junior Tradesman on 29.05.1989. While working in Light Vehicle Maintenance Yard from 20.05.1995 till 29.05.2019, the petitioner was assigned duty in a regular shift during day time.



(ii) Suddenly, the petitioner was transferred to Erode-II branch Buses Maintenance Yard and joined there on 17.07.2019, wherein the petitioner was asked to do duties in night shifts on every alternate day. The petitioner was then aged about 51 years and having age related issues. Due to which he became sick and was unable to carry out his duties. As Doctor advised him to take complete rest, the petitioner applied for medical leave from 28.09.2019 to 27.10.2019 attaching the medical certificate issued by the doctor.

(iii) Though the petitioner sent the leave application, due to the personal grudge against the petitioner at the instance of Divisional Manager, the 2nd respondent with a malafide intention and to take revenge against the petitioner marked the petitioner as unauthorized absent from duty on 28.09.2019.

(iv) Though the petitioner have submitted his leave application, the respondents issued charge memo against the petitioner for taking unauthorized leave vide Charge Memo No.1/D11/905/Legal /TNSTC/ED/2019 dated 16.10.2019 and refused to permit the petitioner to rejoin the duty. The petitioner submitted his objections and explanations vide his letter dated 27.11.2020. However, the 2nd respondent without considering the same passed an order of punishment dated 31.08.2021, stopping his annual increment for six months. As against the said order, the petitioner filed an Appeal before the Managing Director, Tamil Nadu State Transport Corporation, Erode Division. However, the petitioner's Appeal was rejected by the Appellate authority vide



his order dated 06.01.2022.

(v) It is further stated that the petitioner has taken total 612 days as leave.

The Medical Board has approved 45 days of medical leave. After deducting the 45 days granted by the medical board, the remaining 567 days of leave can be adjusted against his earned leave. The petitioner have 624 days of leave at his credit and therefore he is entitled to adjust the said earned leave against his leave other than medical ground. Therefore, the petitioner sent a detailed representation on 14.03.2022 by RPAD to the respondents narrating all the above facts and requested them to regularize the days of the alleged absence as medical leave and earned leave and pay him the arrears of salary for 612 days and reinstate him in service forthwith. Since no action was taken, the petitioner filed Writ Petition in W.P.No.33308 of 2022 seeking a direction to the 2nd respondent to regularize the petitioner's absence as a medical leave for 45 days and also to regularize 567 days and this Court by an order dated 12.12.2022, directed the respondents to pass final orders on merits based on the representation dated 14.03.2022. Since no action was taken by the respondents on the said representation, the petitioner filed contempt petition in C.P.No.1747 of 2023 before this Court. In pursuance to it, the impugned order was passed by the 2nd respondent holding that the 45 days commencing from 28.09.2019 till 11.11.2019 was treated to be as medical leave eligible for payment of wages and the rest period was treated as no work no pay disentitling for any benefits.



Being aggrieved, the petitioner is before this Court by way of this Writ Petition.

WEB COP 3. Learned counsel for the petitioner would submit that admittedly the petitioner has taken 641 days leave on medical grounds. Thereafter, the respondent Corporation directed the petitioner to appear before the Medical Board and the Medical Board in its report has stated that 45 days medical leave can be granted and remaining 567 days can be adjusted against his earned leave. But without doing so, the 2nd respondent Corporation has passed the impugned order. He therefore prays to set aside the same.

4. Per contra, the learned Special Government Pleader appearing for the 2nd respondent would submit that after receipt of leave applications from the petitioner, the Respondent Corporation has sent the petitioner for Medical Board and since the Medical board has given a report stating that the petitioner is eligible for 45 days medical leave, the 2nd respondent Corporation has granted 45 days medical leave to the petitioner. Further, he would submit that since the petitioner is governed by Standing Orders of the 2nd Respondent Corporation and Clause 6A of the said Standing Orders deals with the procedure for the grant of leave to workman and regulation of unauthorised absence and the said clause did not permit for adjusting of 567 days into the earned leave, the request of the petitioner cannot be considered. He therefore prays for dismissal of this



Writ Petition.

WEB COPY 5. Heard both sides. Perused the records.

6. As rightly contended by the learned Special Government Pleader appearing for the 2nd respondent as the Medical Board has given a report stating that the petitioner is eligible for 45 days medical leave, the same was granted to the petitioner. That apart, a perusal of the Clause 6A of the Standing Order shows that the workman has to obtain prior approval from the Corporation for applying earned leave. Therefore leave taken by the petitioner for 567 days cannot be adjusted towards earned leave. Therefore, the 2nd respondent has not granted any benefits for the said period.

7. In such view of the matter, I do not find any malafide intention on the part of the 2nd respondent in passing the impugned order. Hence, this Writ Petition is dismissed. No costs.

05-01-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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M.DHANDAPANI, J.

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