

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 303 OF 2018**

DIST. : AURANGABAD

Sitaram s/o Murlidhar Bhokare, )  
Age. 58 years, Occu. Service, )  
R/o Open Prison, Paithan, )  
Dist. Aurangabad. )-- **APPLICANT**

**VERSUS**

1. The State of Maharashtra, )  
Through : Secretary, )  
Home Department, Mantralaya, )  
Mumbai - 32. )

2. The Superintendent, )  
Thane Central Prison, )  
Thane. )

3. The Deputy Inspector General, )  
Central Prison, Aurangabad. )

4. Additional Director General of Police,)  
Prison, Pune, Central Building, )  
Pune. )-- **RESPONDENTS**

-----  
APPEARANCE :- Shri S.G. Kulkarni, learned Advocate for  
the applicant.

: Smt. Sanjivani Deshmukh Ghate, learned  
Presenting Officer for the respondents.

-----  
**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**  
**RESERVED ON : 26.2.2019**  
**PRONOUNCED ON : 28.2.2019**  
-----

## **JUDGMENT**

1. Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. By filing present Original Application, the applicant is claiming following reliefs :-

*“(B) The order dated 19.4.2018 granting extraordinary leave from 1.4.2013 to 31.5.2014 on medical grounds be modified and commuted leave on medical grounds from 1.4.2013 to 31.5.2014 directing payment of salary for the said period be granted to the applicant.*

*(C) The respondents be directed to pass order declaring completion of probation period in respect of the applicant and further to send his pension papers to the Accountant General at the earliest.*

*(D) The respondents be further directed to grant provisional pension to the applicant from 1.5.2018 onwards till finalization of pension.”*

(quoted from paper book pages 7 & 8 of O.A.)

3. From plain reading of above quoted prayers it is not clear as to exactly what do applicant wants. On perusal of Original Application, it transpires that, applicant has grievance in relation to order passed by the Special Inspector General of Police and Inspector General of Prisons dated 19.4.2018 (Annex. A. 8 page

32) through which the prayer of applicant for grant of commuted leave on medical ground for 396 days from 1.5.2013 to 31.5.2014 is rejected and the same is treated as extra ordinary leave on medical ground. The said order reads as under :-

“आदेश

श्री. सिताराम मुरलीधर भोकरे, तुरुंगाधिकारी श्रेणी-२, सध्या पेंठण खुले जिल्हा कारागृह यांची दिनांक ०१.०५.२०१३ ते ३१.०५.२०१४ पर्यंत (३९६) दिवसांची असाधारण रजा वैद्यकीय कारणास्तव मंजूर करण्यात येत आहे.”

(quoted from paper book page 33 of O.A.)

4. Two paragraphs which are basis of final decision read thus :-

“श्री. भोकरे यांनी सादर केलेले डॉ. जोशी, मनोविकार तज्ञ, ठाणे यांचेकडील दिनांक २१.०१.२०१४ चे पमाणपत्रानुसार ते दिनांक ०९.०७.२०१३ पासून त्यांचेकडे औषधोपचार घेत असल्याचे नमूद केले आहे. तथापी काय औषधोपचार केला या बाबत नमूद नाही तसेच अर्जदाराने दिनांक ०९.०७.२०१३ ते २१.०१.२०१४ पर्यंतचे कालावधीत वेळोवेळी फॉलोअपसाठी गेल्याचे कोणतही पुरावा अथवा प्रिस्क्रिप्शन सादर केलेले नसल्याचे दिसून येते.

दिनांक १३.०१.२०१५ रोजी वैद्यकीय कागदपत्रांसह जवळपास ७ महिन्यांनंतर वैद्यकीय कारणास्तव परिवर्तीत रजा मंजूरीसाठी अर्ज करण्यास विलंब का झाला, याची कारणे नमूद न करता अर्ज सादर केला. यावरून असे दिसून येते की, श्री. भोकरे यांना बदलीवर कार्यमुक्त करताच ते बदलीच्या ठिकाणी हजर न होता रजेशिवाय अनुपस्थित राहिले. तसेच सुधारीत बदली आदेश प्राप्त होतच कामावर रुजू झाले. वर नमूद सर्व बाबींचा आमही अभ्यास केला असता खालील प्रमाणे आदेश निर्गमित करण्यात येत आहेत.”

(quoted from paper book page 33 of O.A.)

5. Original Application does not disclose any reasons on account of which the impugned order is shown to be contrary to law. It was duty of the applicant to point out the reasons due to

which finding contained in last 2 paragraphs of the impugned order directing that leave be treated as extraordinary leave is granted under said title erroneously.

6. In the result, Original Application fails and same is dismissed without any order as to costs.

7. In view of the fact that the Original Application is drafted without observing due and adequate diligence and proper pleadings and prayers, this Tribunal would not like to let the applicant suffer. If the applicant has satisfactory reasons to offer, he shall make representation to the Government in that regard and take legal remedy if so advised. Those opportunities of the applicant are hereby kept open.

8. Parties are directed to bear own costs.

**(A.H. JOSHI)**  
**CHAIRMAN**

**Place : Aurangabad**  
**Date : 28.2.2019**