

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><b>Date: 31.12.2024</b></p> <p align="center"><b>O.A. No.1514 of 2024</b></p> <p><b>V.K. Pawar</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Shri A.U. Pawar, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for Applicant earnestly pleads that long period of absence of Applicant from 01.08.2019 upto 24.08.2023 be decided compassionately by 'Additional Commissioner of Police, Western Region, Bandra West, Mumbai'; because Applicant who is 'Police Constable' had suffered during this entire period from 'Psychotic Depression'.</p> <p>3. Learned Advocate for Applicant then states that Applicant in this regard had submitted representation 22.07.2024 to 'Principal Secretary, Home Department'; but its copy has not been placed with this O.A. No. 1514/2024.</p> <p>4. Learned PO on other hand states that recovery has been effected from 'Salary &amp; Allowances' of Applicant from September 2024 onwards on grounds of payments made earlier during period of unauthorized absence from duty for more than 4 Years from 01.08.2019 up to 24.08.2023.</p> <p>5. Learned PO contends that no 'Interim Relief' regarding stoppage of ongoing recovery from 'Salary &amp; Allowances' be granted to Applicant at this stage because decision already been taken by 'Additional</p>

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	<p>Commissioner of Police, Western Region, Bandra West, Mumbai' to treat this entire period as unauthorized absence of Applicant from duty from 01.08.2023 up to 24.08.2023 is based on principles of 'No Work No Pay'.</p> <p>6. The fact which cannot be in dispute is that Applicant had suffered from 'Psychotic Depression' &amp; and undergone treatment under 'Private Doctor' at Mumbai'. However, it was only when he recovered substantially and received 'Fitness Certificate' from 'Private Doctor' at Mumbai on 18.07.2023 that Applicant reported for duty to 'Sr PI' of 'Nirmal Nagar Police Station'.</p> <p>7. The 'Sr PI' of 'Nirmal Nagar Police Station' inturn had directed Applicant to remain present before 'Medical Board' of 'Sir J.J. Group of Hospitals, &amp; Grant Medical College, Greater Mumbai' which also declared him fit to rejoin duty on 17.08.2023. The Applicant there upon joined regular duty from 25.08.2023 as 'Police Constable' under 'Sr PI' of 'Nirmal Nagar, Police Station'.</p> <p>8. The grievance of Applicant primarily relates to request for review of earlier decision of 'Additional Commissioner of Police, Western Region, Bandra West, Mumbai' about period of long absence from duty from 01.08.2019 up to 23.08.2023.</p> <p>9. The case of Applicant is not alike more common instances of unauthorized absentism; as <i>prima facie</i> it does appear Applicant could not report for duty on account of affliction from 'Psychotic Depression' which came to be certified initially by 'Private Doctor' at Mumbai &amp; later by 'Medical Board' of Sir J.J. Group of Hospitals, &amp; Grant Medical College, Greater Mumbai on 17.08.2023.</p> <p>10. The case of Applicant thus stands on different footing having interface with provisions of 'Right of Persons with Disabilities Act 2016' which includes 'Mental Illnesses' under 'Specified Disability' under 'Section 2(zc)'. Hence considering peculiar mitigating circumstances that Applicant was placed in during the long period of 'Psychotic Depression'; indulgence is required to be shown towards Applicant. Therefore;</p>

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	<p>Applicant is given an opportunity to submit 'Fresh Representation' alongwith relevant 'Medical Certificates' to 'Additional Commissioner of Police, Western Region, Bandra West, Mumbai' within next 'Two Weeks' with regard to regularization of long period of unauthorized absentism from duty 01.08.2019 up to 24.08.2023 as leave due &amp; admissible including 'Medical Leave' under 'Rule 77' of 'MCS (Leave) Rules 1981'.</p> <p>11. The 'Additional Commissioner of Police, Western Region, Bandra West, Mumbai' accordingly informed to decide about 'Fresh Representation' of Applicant with an 'Open Mind' preferably within period of further 'Two Weeks'.</p> <p>12. S.O. to 30.01.2025.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">AGR</p>

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