

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.737 OF 2018

DISTRICT:- AHMEDNAGAR

Dr. Rangnath Bandoba Sangle,
Age : 57 years, Occ : Professional,
R/o. Sangle Hospital, Opposite Hotel Vaibhav,
Burudgaon Road, Ahmednagar. **...APPLICANT**

V E R S U S

1. The State of Maharashtra,
Through its Secretary,
Health Department,
Mantralaya, Mumbai-32.
2. The Director of Health Services,
Arogya Bhavan, St. Georges Hospital Compound,
P D'Mello Road, Mumbai-01.
3. The Deputy Director,
Health Services, Nashik,
Nashik Circle, Trimbak Road,
New Civil Hospital Campus,
Nashik-02. **... RESPONDENTS**

APPEARANCE : Shri A.S.Deshmukh, Advocate
holding for Shri A.P.Avhad, Advocate
for the Applicant.
: Shri V.R.Bhumkar, Presenting
Officer for respondents.

**CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN
AND
SHRI BIJAY KUMAR, MEMBER (A)**

**Reserved on : 29-04-2022
Decided on : 14-06-2022**

O R D E R
(PER: HON'BLE SHRI BIJAY KUMAR)

1. This original application has been filed on 25.09.2018 by one Dr. Rangnath Bandoba Sangle, Medical Officer, Department of Public Health, Government of Maharashtra by invoking provisions of S. 19 of the Administrative Tribunals Act, 1985, thereby seeking relief essentially by quashing and setting aside impugned communication dated 07.03.2018 issued by respondent No. 1. The applicant prayed orally for leave to amend his application which was granted on 09.07.2019. Accordingly, additional grounds for filing the OA were introduced vide para No. 5, sub-para 13 (A) to 13 (E) were introduced.

2. **Facts of the case-** Facts of the case may be summed up as follows:

a) The applicant had been initially appointed by an order of Deputy Director Health Services, Nashik on ad- hoc basis as Medical Officer, Class II in the year 1987. Thereafter, he was selected for regular appointment by Maharashtra Public Service Commission (in short, "MPSC") and was appointed as Medical Officer Class II on 29.05.1990. From

the year 1990, the applicant worked in Civil Hospital Ahmednagar till 04.08.2001.

b) The applicant claims that he went suffered from bone Tuberculosis in the year and remained on leave from 05.08.2001 to 11.08.2001. The applicant further claims that after getting cured he applied to Respondent No. 3, i.e. the Deputy Director, Health Services, Nashik for joining his duty vide representations dated 12.08.2002, 04.12.2002, 01.05.2004, 19.08.2006, in support of this he has enclosed communications purportedly drafted in the form of such representations on page no. 16-18 of the Paper-Book, none of which has evidence of submission of the same with Respondent No. 3, i.e. the Deputy Director, Health Services, Nashik such as acknowledgement issued by the office of Respondent No. 3. The applicant has not only subsequently deleted the mention of representation dated 12.08.2001 on page no. 3 of the Paper-Book without attesting the deleted words but has not disclosed the mode of submission of the aforementioned representation, such as Speed Post, RPAD or so, in order to explain absence of acknowledgement of inward section of the office of Deputy Director, Health Services, Nashik. In addition, the applicant has not submitted any document evidencing that he had submitted

his leave application for the period from 05.08.2001 to 12.08.2002 along with medical advice and got the leave sanctioned or, about that he submitted his representations to Respondent No. 3 along with fitness certificate issued by the Doctor who had treated him.

c) The applicant has alleged in para 2 of the Original Application that Respondent No. 3 had acted only on his last representation dated 19.08.2006 and directed him to remain present before the "*Health Committee*" of Sassoon Hospital Pune and submit fitness certificate. However, the applicant has not enclosed along with the Original Application attested copy of any such communication received by him from Respondent No. 3 so as to clarify whether he was referred to the *Medical Board* or some committee known as the *Health Committee* of the Sassoon Hospital, Pune. Instead he has enclosed following documents by way of evidence that he had been declared fit for joining his duty and sanction of leave for a period of one year only:

- i. Medical Certificate dated 17.11.2006 issued by the Standing Medical Board of Sassoon General Hospitals, Pune recommending fitness to join duty and recommending

sanction of leave for a period of only one year without commenting on past leave taken (page 21 of the Paper-Book),

- ii. Letter of the Dean, Sassoon General Hospitals Pune, dated 11.11.2006 addressed to the District Civil Surgeon, Ahmednagar forwarding a copy of the said Medical Certificate issued by the Medical Board (page 20 of Paper-Book)
- iii. Letter of District Civil Surgeon, Ahmednagar, dated, 29.11.2006 addressed to Respondent No. 3 forwarding Medical Boards Report for necessary action (page 22 of Paper-Book)
- iv. Letter of Respondent No. 3 dated 22.12.2006 addressed to the Respondent No. 2, i.e. Director, Health Services, forwarding report (Medical Certificate) issued by the Medical Board, and seeking guidance about further action to be taken on representation of the Applicant dated 19.08.2006 allowing him to join at Civil Hospital, Ahmednagar after his absence since 05.08.2001 i.e. after a lapse of 5 years. At this stage, it is noticed that the Respondent No. 3 has not submitted any detailed reasons for such absence of the Applicant from duty, whether leave

application was submitted by the Applicant etc. and office recommendation.

d) Respondent No. 3 sent reminder to Respondent No. 2 vide his letter dated 13.04.2007 requesting for taking decision of his earlier reference dated 22.12.2006 (Page 23 of Paper-Book),

e) Respondent No. 2, upon receipt of reminder dated 13.04.2007 from Respondent No. 3, forwarded the report received from Respondent No. 3 along with the Medical Certificate and informing that there was one post of Medical Officer vacant in Civil Hospital Ahmednagar to meet the request for posting by the Applicant. Respondent No. 2 also sought guidance about dealing with absence of the Applicant since year 2001.

f) Respondent No. 2 also called for information from Respondent No. 3 vide his letter dated 02.08.2007 including details required for regularization of absence from duty for a period over 5 years (page 24 of Paper-Book).

g) Respondent No. 1 vide letter dated 13.09.2007 sent queries, contents of which are being reproduced as follows: (page 27-28 of Paper-Book)

“विषयांकित प्रकरणी आपल्या संदर्भाधीन पत्राच्या अनुषंगाने आपणास कळविण्यात येते की, खालील मुद्द्यांचा खुलासा करून आपल्या अभिप्रायासह प्रस्ताव नव्याने सादर करावा :-

१) डॉ.सांगळे, वै.अ. यांनी वैद्यकीय कारणास्तव रजेचा दि. ५/८/०१ पासूनचा अर्ज दि.१८/८/०७ रोजी दिल्याचे दिसून येते. सदर रजा मंजूर केली अथवा नाही याबाबत अधिका-यांची मंजूरीची स्वाक्षरी नाही याबाबत खुलासा.

२) डॉ.सांगळे, वै.अ. यांना वैद्यकीय मंडळाच्या दि.१७/११/०६ च्या पत्रान्वये कामावर रूजू होण्यास सक्षम असल्याचे प्रमाणपत्र दिले आहे. तदनंतर संचालनालयाने दि.१७ जुलै २००७ रोजीच्या पत्रान्वये विलंबाने प्रस्ताव केला आहे याबाबत खुलासा.

३) डॉ.सांगळे, वै.अ. हे दि.५/८/०१ पासून सातत्याने गैरहजर असून त्यांच्याविरूद्ध शिस्तभंगविषयक कारवाई केल्याचे अथवा प्रस्तावित केल्याचे दिसून येत नाही. यास जबाबदार कोण? संबंधितावर जबाबदारी निश्चित करून त्याबाबत अहवाल.

४) डॉ.सांगळे, वै.अ. यांच्या अनुपस्थितीच्या कालावधीत त्यांनी इतरत्र कोठे नोकरी अथवा त्यांच्याविरूद्ध पोलीस स्टेशनमध्ये गुन्ह्याची नोंद झाली आहे किंवा कसे? त्याबाबतचे विहित नमुन्यातील प्रतिज्ञापत्र सादर करावे.

५) डॉ.सांगळे, वै.अ. यांच्या प्रदिर्घ रजेच्या अनुषंगाने त्यांच्या आजाराचे स्वरूप व त्यांनी त्याबाबत कोणत्या रूग्णालयात उपचार घेतले याबाबत प्रस्तावात काहीच उल्लेख नाही. त्याबाबतची कागदपत्रे.

६) डॉ.सांगळे, वै.अ. यांना पुर्वीच्याच सामान्य रूग्णालय, अहमदनगर येथेच पुर्नस्थापना देणेबाबत जिल्हा शल्य चिकित्सक, अहमदनगर यांनी केलेल्या शिफारशीवर संचालनालयाने कोणतेच अभिप्राय दिलेले नाहीत. त्यानुषंगाने अभिप्राय सादर करावेत.

स्वाक्षरी /—
(सुर्यकांत निकम)
महाराष्ट्र शासनाचे अवर सचिव”

h) Civil Surgeon, Ahmednagar had reported to Respondent No. 3 vide his letter dated 18.03.2009 by without clarifying whether he had received leave applications dated 12.08.2002, 04.12.2002, 01.05.2004, 19.08.2006 from the Applicant and if not, then what action had been taken by him against the Applicant for unauthorized absence from duty. (Page 30 of Paper-Book).

i) From the report of Respondent No. 2 dated 20.10.2009 which is purportedly based on report of Respondent No. 3 dated 03.09.2009, that the Applicant was absent from duty since 05.08.2001 without getting any leave sanctioned. He has further submitted to Respondent No. 1 that Respondent No. 3 is yet to clarify what action had been taken against the Applicant for reason of his unauthorized absence from duty. In addition, Respondent No. 2 had not explained reasons for delay caused by him in taking action on Medical Certificate issued by the Medical Board dated 17.11.2006. Endorsement of this report appears to have been made to the Civil Surgeon, Ahmednagar contents of which throw some light on conduct of the Civil Surgeon, Ahmednagar in dealing with the matter negligently and callously (copy at page 32-33 of Paper-Book).

j) It is observed on perusal of the reminder sent by Respondent No. 1 to Respondent No. 2 that the Respondent No. 2 had not furnished details called for by Respondent No. 1 vide letter dated has not complied with the direction issued by the Respondent No. 1 regarding unauthorized absence of the Applicant from duty since 05.08.2001.

k) Respondent No. 1, as a last resort, issued posting order dated 07.08.2013 posting the Applicant to District Hospital, Nashik. However, the applicant did not comply with the posting order and after a lapse of over two and half years, represented vide his letter dated 12.01.2016 for posting at District Hospital, Ahmednagar where he had worked since his first appointment.(page 40 of Paper-Book).

l) Respondent No. 2 has claimed vide his letter dated 24.08.2017 addressed to Respondent No. 1 that he had submitted a proposal for termination of services of the Applicant vide his communication dated 01.07.2014 however; orders of Respondent No. 1 there upon were awaited. He had further submitted that in the meantime, Respondent No. 1 had issued circular to dated 13.07.2016 by which it had been directed that the Medical Officers willing to join may be allowed to join duty. Referring to the

same, the Respondent No. 2 had intimated to Respondent No. 1 that the Civil Surgeon, Nashik had vide his letter dated, 11.04.2017 informed that the post of Medical Officer at Civil Hospital Nashik had been filled and there was no vacancy basis which revised posting order in favour of the Applicant may be issued. However, Respondent No. 1 decided the matter vide Government Resolution issued by Public Health Department, bearing No. मवेअ-2016/प्र.क्र. 488/ -3, न , , dated 15.12.2017 stating that the Applicant was to retire during year 31.05.2019; therefore, he shall not be allowed to join duty for a small period after a prolonged unauthorized leave.

m) The applicant has further contended that the Respondent No. 1 had issued public notice through newspaper advertisement calling upon medical officers who were unauthorisedly absent for long period to show cause why their services be not terminated. The Applicant claims that the said public notice did not come to his notice and therefore, he could not respond.

n) The respondents have pointed out that the Applicant had declared the building of the said private hospital as his residence too. Based on this the respondents have alleged

that the Applicant was one of a large number of Medical Officers in the State who unauthorisedly absented from duty to pursue their private practice and therefore, the Respondent No. 1 had to resort to standard procedure as per provisions of the Maharashtra Civil Service (Discipline & Appeal) Rules 1979 and Maharashtra Civil Services (Pension) Rules, 1982 under which services of the Applicant and other medical officers remaining absent from duty in unauthorized manner were terminated in public interest. The respondents have also submitted that the Applicant has concocted story in the O.A. to join the duty to become eligible for pensionary benefits only after remaining absent from duty for 17 years or so.

o) This Tribunal had brought Exhibit "N" to the O.A. to the notice of the learned senior counsel for the Applicant, which is enclosed at page 91 of Paper-Book. This document shows issued in the year 1998 has a mention that the Applicant was then the Director of the "*Sangle Hospital, Nagar*" which means that the Applicant was running a private hospital in Ahmednagar. Accordingly, this Tribunal sought response of the learned senior counsel representing the Applicant. However, no categorical statement was made

by him about the stated position which has not been rebutted by the Applicant for last over two decades.

3. **Relief Prayed for:** The applicant has sought relief in terms of para 11 and 12 of the Original Application (page 9-10 of paper-book).

“11) RELIEFS SOUGHT:

The Applicant, therefore, humbly prays that:

(A) *Call for the record and proceeding of the case.*

(B) *Issue an appropriate order or directions whereby quashed and set aside order dated 07/03/2018 and further direct the respondents to allow the Applicant to join the services.*

(C) *It may kindly be further directed to give all the back wages along with interest.*

(D) *Pass any other just and equitable orders in the interest of justice in favour of the Applicant.*

(E) *Grant cost of this original application.*

12) INTERIM RELIEF SOUGHT:

(A) *Pending hearing and final disposal of this Original Application, the Respondents may kindly be directed to allow the applicant to join the services.”*

4. **Pleadings and Submissions:** The learned Presenting Officer filed affidavit on behalf of Respondent No. 1 to 3 on 06.03.2019 which was taken on record and copy of the same was provided to the Applicant. The Applicant amended the O.A. on 24.07.2019 and in response, the Respondents filed affidavit in reply to amended O.A. on 02.12.2019. Learned senior counsel for the Applicant informed the Tribunal on 24.03.2022 that the applicant does not wish to file rejoinder to affidavits in reply filed by the Respondents. Therefore, the matter was fixed for final arguments on 29.04.2022 which took place as scheduled. Then the matter was closed for orders.

5. **Analysis of Facts and Inference Drawn:**

a. Right from his first appointment, the applicant was working at Civil Hospital, Ahmednagar as a Medical Officer, Class II, under administrative control of the District Civil Surgeon, Ahmednagar. He has started with submissions made in this in O.A. by stating that he was on medical leave from 05.08.2001 to 12.08.2002. However, for reasons best known to the Applicant only, he has not submitted copy of leave application submitted to the District Civil Surgeon, Ahmednagar and copy of leave sanction order.

b. Even the copy of service book entries submitted by the Applicant as Exhibit A, page 14-15 of Paper-Book, has no mention of any medical leave granted to the Applicant.

c. On perusal of the Medical Certificate dated 17.11.2006 which had been issued by the Standing Medical Board, Pune of the Sassoon General Hospitals, Pune, it is noticed that the Medical Board has recorded following remarks which reaffirms the conclusion that the Applicant had not got his leave period sanctions and therefore, required to be regularized-

- i. "We do certify that we have carefully examined Shri R. B. Sangle on 16.10.2006 and found that he is fit for duty.*
- ii. Leave taken may be regularized for one year*
- iii. Diagnosis- Fit TB spine".*

d. Further, the applicant had chosen not to file rejoinder to the affidavits in reply filed by the Respondents in which it has been categorically stated that the Applicant was unauthorisedly absent from duty during the aforesaid period and thereafter. Instead, he himself had admitted in his representation dated 12.01.2016 made to Respondent

No. 1 and 2 he was absent from duty unauthorisedly which may be regularized on 'without pay' basis (page 41 of Paper-book).

e. Therefore, logical conclusion which is arrived at is that the Applicant who occupied a senior post of Medical Officer in District Civil Hospital, has not stated the truth in the O.A. and has been creating confusion between the terms '**remaining on unauthorized absence from duty**' and '**being on medical leave**' with intention to gain undue sympathy of this Tribunal.

f. The applicant has, instead, claimed that he made representations directly to the Respondent No. 3, i.e. the Deputy Director, Health Services Nashik for getting posting on return from Medical Leave. However, while enclosing the copies of his representations claimed to have been made to the Respondent No. 3, the Applicant who is of the rank of Medical Officer, has not submitted a true copy of his Medical Leave Sanction Letter for reference, which ordinarily has a mention of the course of action to be taken by the employee on leave on return from sanctioned leave.

g. It is also noticed the Civil Surgeon has just forwarded the said Medical Certificate to the Respondent No.3 only with following remarks (page 22 of paper book):

“उपरोक्त विषयान्वये या पत्रासोबत डॉ. आर.बी.सांगळे, वैद्यकिय अधिकारी वर्ग—२ यांचे वैद्यकिय मंडळ, ससून सर्वोपचार रूग्णालय, पुणे यांचेकडील वैद्यकिय मंडळाचे वैद्यकिय प्रमाणपत्र पुढील योग्य त्या कार्यवाहीसाठी सादर करण्यात येत आहे.

जिल्हा शल्यचिकित्सक,
अहमदनगर ”

h. It is further noticed that the Respondent No. 3 too, had submitted the proposal received by him from the Civil Surgeon, Ahmednagar requesting Respondent No. 2 to issue instructions regarding giving posting order to the Applicant. This proposal also did not have necessary details and therefore, Respondent No. 2 directed Respondent No. 3 to submit requisite details. This process was partially completed by Respondent No. 2 by 27.10.2009 barring details regarding action initiated by the Civil Surgeon, Ahmednagar against the Applicant for his unauthorized absence from duty. It clearly shows that the Respondent No. 2 and 3 had not only failed in their duty of initiating departmental action against the Applicant for remaining on unauthorized absence from duty but were also continuing

to act in a manner that shielded the Applicant from administrative action.

i. It is admitted by the two contesting sides that the Respondent No. 1 had issued posting order dated 07.08.2013 requiring the Applicant issued to join as a Medical Officer at Civil Hospital, Nashik. However, the Applicant failed to join accordingly for about two and a half years. The Applicant by his representations dated 12.01.2016 and 11.04.2017 had claimed that he had visited Civil Hospital, Nashik after death of his ailing father on 10.04.2014 and found that the post of Medical Officer had been filled up during intervening period and on this ground he had requested the Respondent No. 1 and 2 to regularize his unauthorized absence from duty on '*without pay*' basis and post him at Civil Hospital, Ahmednagar.

j. Respondent No. 2 and 3 have not submitted through affidavits in reply, details of any proposal submitted by them to competent authority for regularization of unauthorized absence of the Applicant from duty i.e. from 05.08.2001 till submission of Medical Certificate dated 17.11.2006 quoting the Rules under which the same could be done. *It is therefore, also inferred that the two*

Respondents were engaged in suppressing true facts from competent authority even though they may be fully aware that by such act they were creating future complications in regularizing the period of unauthorized absence of the Applicant from duty.

k. The respondents have alleged in para 3, page 111 of Paper-Book and internal page 3 of Affidavit In Reply to Amended O.A. that (to quote):

“.....The applicant has himself mentioned the address of his address of his residence as that of a Hospital which proves that he was doing private practice, during his unauthorized long-term absence period. Under such circumstances, the applicant is not entitled the reliefs under the rule 10 of the MCS (Pension) Rules, 1982. The applicant is just misleading to the Hon’ble Tribunal. The respondents have record to prove that the applicant is unauthorized absent from the duties willfully for more than for the period of 12 years, and after such long absence applicant willingly wants to join duty only for the purpose to claiming of pensionary benefits. Appropriate decision was taken considering his retirement date and conveyed through letter dated 07.03.2018 is just proper and legal.”

However, the Respondent No. 2 and 3 and the office of the District Civil Surgeon, Ahmednagar, who have perused the O.A. and its exhibits, especially, the exhibit "N" enclosed at page 91 of the Paper-Book, have, for reasons best known to them only, not submitted their say explaining reasons for their inaction against the Applicant when they had come to know that the Applicant was running a private Hospital known as "*Sangle Hospital, Ahmednagar*" as early as the year 1998.

1. Respondent No. 1 issued posting order for the Applicant to the Civil Hospital, Nashik vide order dated 07.08.2013. However, the Applicant did not join at his place of posting and submitted a representation dated 12.01.2016 followed by subsequent representations for posting at an alternative place as the post of Nashik was subsequently filled up by Respondent No. 1 upon failure of Applicant to join there as per posting order dated 07.08.2013. Respondent No. 1, instead of terminating services of applicant by issuing formal orders under provisions of MCS (Discipline & Appeal) Rules, 1982, only issued impugned communication dated 07.03.2018 after taking approval of competent authority on file, informing Commissioner, Public Health and the Respondent No. 2

and 3 about the Government decision of not allowing the applicant and a few others to join duty in view of the fact that they were due to retire by superannuation in the year 2018 and 2019.

6. Conclusions:-

a) From above analysis of facts, it is inferred that the applicant has made statement on oath made through the Original Application that he was on medical leave from 05.08.2001 to 12.08.2002 knowing the same to be factually incorrect and false. In fact, admittedly, he was unauthorisedly absent from duty during this period. The Applicant who occupied a senior post of Medical Officer in District Civil Hospital, is not telling the truth and has been creating confusion between the terms '*remaining on unauthorized absence from duty*' and '*being on medical leave*' with intention to gain sympathy of this Tribunal. This leads us to conclusion that the Applicant has not come with clean hands before this Tribunal.

b) As is admitted by the two contesting sides that the Respondent No. 1 had issued posting order dated 07.08.2013 requiring the Applicant issued to join as a Medical Officer at Civil Hospital, Nashik. However, the

Applicant failed to join accordingly for about two and a half years. The Applicant by his representations dated 12.01.2016 and 11.04.2017 had claimed that he had visited Civil Hospital, Nashik after death of his ailing father on 10.04.2014 and found that the post of Medical Officer had been filled up during intervening period and on this ground he had requested the Respondent No. 1 and 2 to regularize his unauthorized absence from duty on '*without pay*' basis and post him at Civil Hospital, Ahmednagar. This leads us to conclude that the Applicant had willfully disobeyed the order issued giving him posting as a Medical Officer pending regularization of period of his unauthorized absence from duty and only after a lapse of about two and a half years from issue of posting orders dated 07.08.2013 that he had again attempted to get posting at Ahmednagar, the place where he was running a private hospital named as "Sangle Hospital, Ahmednagar.

c) Officers of Directorate of Health Services including the Civil Surgeon, Ahmednagar had not acted against the Applicant for his unauthorized absence from duty. Further, the respondent No. 2 and 3 and also the Civil Surgeon, Ahmednagar have not stated in clear terms about action taken by them, if any, on representations made by the

Applicant dated 12.08.2002, 04.12.2002, 01.05.2004 and 19.08.2006, i.e. before referring the case of the applicant to the Standing Medical Board, Sassoon General Hospitals, Pune in September 2006. Further, the officers of the Directorate of Public Health have not made any submissions regarding action taken by them after knowing that the Applicant was running a private hospital named as "Sangle Hospital, Ahmednagar" in the capacity of its Director since year 1998. This explains their half-hearted approach in dealing with the Misconduct of a large number of medical officers which has been alleged by the Respondents in para 3 of their affidavit in reply to amended O.A. requiring Respondent No. 1 to take drastic action against the applicant and about 254 other Medical Officers who were on unauthorized absence from duty in Civil Hospitals and other service outlets of the Public Health Services. Therefore, it is being inferred that the Civil Surgeon, Civil Hospital, Ahmednagar and Respondent No. 2 and 3 have failed in their official duty of administrative control and in effect, provided cloak of due protection to the Applicant by insulating him from administrative actions on account of unauthorized absence, being engaged in

management of a private hospital and disobedience of order of posting dated 07.08.2013.

d) From the fact that the Applicant did not present himself in response to public notice issued by the Govt. calling upon him to present himself before Director, Health Services, Pune along with all documents showing valid reason, if any, for their unauthorized absence, it is inferred that the Applicant had never cared for his service with Government. He has approached this Tribunal invoking technical issues and alleged lacunae in administrative procedure against him but without explaining reasons for making statements knowing the same to be untrue /false and explaining his conduct of disobedience of administrative orders issued by authorities from time to time.

e) Notice is also taken of the fact that the Respondent No. 1 had not issued formal orders terminating services of the Applicant after the latter failed to act as per requirement of Public Notice issued requiring him to appear before Respondent No. 2 along with necessary documents showing valid reasons, if any, about being absent from duties unauthorisedly. In this state of affairs the Applicant

attained age of superannuation on 31st May 2019. Instead, impugned communication dated 07.08.2017 was issued treating the matter as closed on all counts including decision regarding period of unauthorized absence from duty, pensionary benefits as per rules etc., admissible as per Rules, if any.

f) In view of above, in our considered opinion, there is partial merit in this Original Application and therefore, following order is being passed:

ORDER

The Original Application No.737 of 2018 is being partially allowed in following terms:

A. Respondents No.1 to 3 are, hereby, directed to decide the periods of unauthorized absence of the Applicant from duty, on merit, as per provisions of relevant Maharashtra Civil Services Rules, within a period of 4 months of receipt of this order.

B. Respondent No.1 to 3 are, hereby, directed to grant all admissible post-retirement benefits to the Applicant, as per Rules on merit of each case, within a period of six months from receipt of this order.

C. Respondents No.1 to 3 are, hereby, also required to take appropriate departmental action against the concerned Civil Surgeon/s, Civil Hospital Ahmednagar, responsible for dereliction of duties and negligence in exercising administrative supervision and control over the Applicant in respect of aspects which have come to their notice during adjudication of this O.A. and otherwise, and recover from them the amount of interest payable to the Applicant as per rules in respect of post-retirement dues etc., on account of delayed payment.

D. No order as to costs.

**(BIJAY KUMAR)
MEMBER (A)**

**(JUSTICE P.R.BORA)
VICE CHAIRMAN**

**Place : Aurangabad
Date : 14-06-2022.**