

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 238 OF 2019**

**DISTRICT : MUMBAI**

Shri Sadanand Pandurang Gujar, )  
Occ : PSI, R/o : Sanghavi Park, )  
Orchid, B-wing, Room no. 305, )  
Behind St. Paul High School, )  
Mira Road [E], Mumbai-17. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through Addl. Chief Secretary, )  
Home Department, Mantralaya, )  
Mumbai 400 032. )  
2. The Joint Commissioner of Police, [Admn], )  
In the office of Commissioner of Police, )  
Crawford Market, Mumbai – 1. )  
3. The Addl. Commissioner of Police, )  
North Regional Division at Kandivali [E], )  
Mumbai. )...**Respondents**

Shri R.M Kolge, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

**CORAM** : **Shri P.N Dixit (Vice-Chairman) (A)**

**DATE** : **29.07.2019**

**ORDER**

1. Heard Shri R.M Kolge, learned advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. In this Original Application, the applicant has made following prayers:-

“9(a) By suitable order and direction this Tribunal be pleased to quash and set aside the impugned order dated 24.8.2018 issued by the Respondent no. 3 thereby issued the punishment of leave without pay and reprimand for the alleged period mentioned in the impugned order for 177 days and application be allowed accordingly.

(b) By suitable order and direction of this Hon'ble Tribunal be please to direct the concern Respondent no. 2 and 3 to refund he amount of recovery to the applicant from the salary being made since from September, 2018 till the date.”

(Quoted from page 9 of the O.A)

3. Learned advocate for the applicant further refers to Exh. 'G', page 36. Relevant portion is as under:-

“करीता वर नमुद संदर्भानुसार माझे रक्कम १०,०००/- रुपये कपात करण्यात आलेले असुन उर्वरित रक्कम १०,६६१/- रुपये अशी प्राप्त झालेली असुन सदरची बाबही माझी आर्थिक दुष्टया कौटुंबिक परिस्थिती अंत्यंत बिकट झालेली असुन तसेच उदरनिर्वाह करणे व कुटुंबाच्या मुळभुत गरजा पूर्ण करणे कठीण झालेले आहे. तरी मा. अपर पोलीस आयुक्त, उत्तर प्रादेशिक विभाग सो, यांनी माझ्या विनंती अर्जाचा सहानुभुतीपूर्वक विचार करुन माझा वर नमुद रुग्णनिवेदन कालावधी हा माझी अर्जित रजा अथवा वैदयकीय रजा शिल्लक असल्यास सदरचा कालावधी हा नमुद रजेतुन परावर्तित करण्यात यावा ही विनंती. अथवा मला मा अपर पोलीस आयुक्त, उत्तर प्रादेशिक विभाग, कांदिवली पु, मुंबई यांच्या दालनात प्रत्यक्ष परवणगी मिळण्यास विनंती आहे.”

(Quoted from page 37 of O.A)

4. Leaned advocate for the applicant draws attention to the information available at page 35, obtained by him under R.T.I. According to the same, applicant is having 300 days as Earned Leave and 374 days as half pay leave as on 30.6.2015.

5. Out of which, 87 days have been treated as leave without pay [Exh. 'E', page 31 and 177 days has been treated as without pay as per order available at page 32]. Thus 87 days + 117 days = 264 days are already treated as leave without pay.

6. Learned advocate for the applicant submits that as per his representation this period of 264 days may kindly adjusted against his leave available and the balance may be commuted. Learned advocate further submitted that the applicant is retiring on 31<sup>st</sup> July, 2019.

7. During the final hearing, learned Presenting Officer at the instruction of Ms Niranjana R. Valvi, Law Officer, in the office of Addl. Commissioner of Police, North Region Division, Kandivali, Mumbai, agrees to the prayer made by the applicant.

8. In view of the foregoing, the Respondent no. 3 is directed to adjust the period of 264 days against the leave available and decision should be taken regarding the balance period. Respondent no. 3 is further directed to take decision regarding prayer at 9(b).

9. In view of the above, Respondents are directed to take expeditious decision not later than four weeks.

10. With the above directions, Original Application stands disposed of. No order as to costs.

**(P.N Dixit)**  
**Vice-Chairman (A)**

**Place : Mumbai**  
**Date : 29.07.2019**  
**Dictation taken by : A.K. Nair.**