

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.10 OF 2016

DISTRICT: SOLAPUR

Shri Shaikh Rashid Shaikh Munir,)
 Address : B-608, Karnik Nagar,)
 Solapur 413 605.) **.. Applicant**

Versus

1) The State of Maharashtra,)
 Through Secretary (Forest),)
 Revenue and Forest Department,)
 Mantralaya, Mumbai 400 032)

2) Additional Principle Chief Conservator)
 Of Forest, (Wild Life),)
 Old Bombay Agra Road,)
 Opp. Adivasi Vikas Bhavan,)
 Nashik 422 002) **..Respondents**

Shri C.T. Chandratre, the learned Advocate for the Applicant.

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

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 29.07.2016.

J U D G M E N T

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.



- 2 Applicant is aggrieved by three orders. Those are at Exhibits A-1, A-2 and A-3 of page nos.10, 11 and 12 of the O.A..
3. By these orders applicant's absence from duty is treated as extra ordinary leave without pay.
4. The ground put forward as foundation of challenge is averred in O.A. as follows:-

"a) Applicant states that he has already stated the grounds while stating the facts and specifically in Para No.6.11 to 6.15. For all those reasons the impugned orders are unjustified, arbitrary and passed only with motive to teach the lesson to the Applicant. i.e. maliciously. The impugned orders therefore requires to be set aside.

Applicant be allowed to raise any other and further ground including leave to amend the Original Application if found necessary in the facts and circumstances of the case and to meet the end of justice."


(Quoted from page 7 of the O.A..)
5. Applicant is not able to dispute the factual aspect mentioned in 2nd paragraph of order dated 11.11.2013, copy whereof is at Exhibit A-1, page 10, namely medical leave without supporting evidence.
6. Applicant is also not able to give reasons or cause due to which he was absent from duty towards the spells referred to in Exhibit A-2, page 11 and Exhibit A-3, page 12.
7. Though applicant has pleaded malice, beyond words no pleading and evidence is tendered by him to support his plea of malafides. The plea of malafides is raised without factual foundation and in an irresponsible manner.
8. Applicant does not have any foundation in law to urge that impugned orders by which his unauthorized absence is sanctioned as extra ordinary leave without pay ought to have been treated, leave on full pay under rule whatsoever.
9. It cannot be lost sight that leave of absence is a concession and it is not a privilege or prerogative. No right was at all vested in the applicant even to claim that the period of absence be treated extra ordinary leave. Had the absence not be granted as extra ordinary leave, said absence would have resulted in break in service, and

applicant would have suffered loss in pensionary benefits due to want of continuity of service.

10. Applicant ought to have had a responsible attitude of a feeling and sense of gratitude towards impugned orders action of Government which, in fact operate as special favor done by Government to him.

11. Applicant who himself is in the wrong door is claiming the benefit. Applicant's O.A. is frivolous. He is not entitled for to relief so whatever.

12. O.A. has no merits and is dismissed with costs.


Sd/-
(A.H. Joshi, 4/1)
Chairman

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