

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 572 of 2021 (S.B.)

Balwant S/o Bhimaji Atram,
Aged 50 Years, Occ. Service,
O/o Sub Police Station Vyankatapur,
Tah. Aheri, Dist. Gadchiroli.

Applicant.

-- Versus --

- 1) The State of Maharashtra
through its Secretary, Department of Home,
Mantralaya, Mumbai – 32.
- 2) The Superintendent of Police, Gadchiroli,
Dist. Gadchiroli.
- 3) Additional Superintendent of Police,
Police Sub Headquarters, Pranhita,
Aheri, Tq. Aheri, Dist. Gadchiroli.

Respondents.

Shri S.D. Borkute, Advocate for the applicant.
Shri A.P. Potnis, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 10/03/2023.

JUDGMENT

Heard Shri S.D. Borkute, learned counsel for the applicant
and Shri A.P. Potnis, learned P.O. for the respondents.

2. The applicant is working as a Police Head Constable at
Police Station, Vyankatapur, Tah. Aheri, Dist. Gadchiroli. The
applicant could not remain present on duty because of the lockdown

and therefore he applied for grant of leave. His leave was granted without pay. The applicant applied requesting the respondent no.2, the Superintendent of Police, Gadchiroli stating that 280 days earned leave are in balance and prayed to grant the same, but the said request was not considered and hence the applicant approached to this Tribunal.

3. Heard Shri A.P. Potnis, learned P.O. for the respondents. The application is strongly opposed by the respondents. It is submitted that medical leave was not in balance. The applicant applied for medical leave, therefore, the O.A. is liable to be dismissed. It appears from letter dated 16/12/2017 (P-39) that 280 days earned leaves are balance at the account of applicant. The respondents could have granted the same. No prejudice will cause to the respondents, if the said earned leave are granted to the applicant. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to grant earned leave to the applicant of the absent period of 63 days.

(iii) The applicant is directed to submit earned leave application in a prescribed format before the sanctioning authority within a period of one week from today.

(iv) The respondents are directed to decide the same within a period of month from the date of this order.

(v) No order as to costs.

Dated :- 10/03/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 10/03/2023.**

H-8 dated 9/3/2023 O.A. 76 of 2020 SN Gaikwad (017)

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

The father of applicant no.1 namely Gulabrao Mujawar was working as a Constable in RPF. He died on 15/7/2007 while he was in service. The mother of applicant no.1 i.e. applicant no.2 applied for appointment on compassionate ground. The applicant no.2 requested the respondents to provide employment to her son after attaining the age of majority. But, her application was not considered and name of applicant no.2 was removed from waiting seniority list as per order dated 21/11/2014. It was informed to the applicant that as per communication dated 16/11/2019 name of applicant no.1 cannot be taken / substituted in place of his mother as per the G.R. 20/5/2015. Hence, the applicants approached to this Tribunal for the following reliefs –

The O.A. is strongly opposed by the respondents. It is submitted that applications were not moved within time. The said G.R. is very specific, substitution is not provided. Hence, the O.A. is liable to be dismissed.

The learned counsel for the applicant has pointed out the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in the

case of Musane. The Hon'ble Bombay High Court in the case of Musane has passed the following order–

The direction was given to the state Govt. to delete the unreasonable restriction imposed by the G.R. dated 20/05/2015, but the State Government not deleted unreasonable restriction imposed by the G.R. dated 20/5/2015. Hence, in view of the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in the case of Musane, the substitution is provided. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to enter the name of applicant no.1 in the waiting seniority list and provide the employment, as per rules.
- (iii) No order as to costs.