

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.727 OF 2019

DISTRICT : THANE

Shri Javed Hashim Kadri Inamdar.)
Age : 62 Yrs., Retired as API from)
Protection Branch, Fort, Mumbai and)
Residing at B/701, Vrudavan Complex,)
Mira Road (E), Thane – 401 107.)...**Applicant**

Versus

1. The Additional Commissioner of)
Police, Protection & Security Dept.,)
Vaju Kotak Marg, Mumbai – 1)
[Under Mumbai Police Commissionerate])
2. The State of Maharashtra.)
Through Additional Chief Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032.)
3. The Accountant General [M.S.],)
Mumbai, having office at Pratishtha)
Bhavan, 101, M.K. Marg,)
Churchgate, Mumbai – 20.)...**Respondents**

Mr. Arvind V. Bandiwadekar, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 22.11.2021

JUDGMENT

1. The Applicant retired on 31.03.2015 from the post of Assistant Police Inspector from the establishment of Respondent No.1. His grievance is about non-payment of monetary benefits equivalent to Earned Leave and additional Earned Leave at the time of retirement. He was granted leave encashment for 106 Earned Leaves only. The Applicant contends that in terms of G.R. dated 04.09.1979, he was entitled for additional 15 days Earned Leave p.a. with facility to surrender and encash it. In terms of said G.R, a Police Constabulary was allowed to have additional 15 days Earned Leave p.a. to be earned at the rate of one day for each spell of duty period of 25 days with facility to surrender and encash it as permissible as per prevailing G.R. dated 17th July, 1975.

2. It appears that by G.R. dated 15.01.2001, the facility of 30 days EL surrendered in one financial year was cancelled w.e.f.01.02.2001. However, later by G.R. dated 27.02.2004, again as an exceptional case, the Police Constabulary was allowed to have 15 days leave encashment on surrender.

3. The Applicant has made various representations claiming the said benefit, but it was not responded.

4. When the matter is taken up for hearing at the stage of admission, the learned Advocate for the Applicant submits that his client may be allowed to make fresh detail representation incorporating all concerned G.Rs, so as to claim the benefit and Respondent No.1 be directed to decide the same within stipulated period.

5. Since no order is passed by the Respondents on the representation and Applicant wants to make representation afresh, the submission advanced by learned Advocate for the Applicant is quite reasonable.

6. In view of above, the O.A. is disposed of with liberty to the Applicant to make detail representation to Respondent No.1 about his grievances of Earned Leave/additional Earned Leave and if any such representation is made within a month, the Respondent No.1 shall decide the same in accordance to G.R. and Rules within two months from the date of receipt of representation.

7. The decision, as the case may be, shall be communicated to the Applicant within two weeks thereafter. If Applicant felt aggrieved by the decision, he may avail further remedy as may be permissible in law.

8. No order as to costs.

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai

Date : 22.11.2021

Dictation taken by :

S.K. Wamanse.

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