

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 123/2019**  
**WITH C.A.NO.70/2019 (S.B.)**

Sudhir Pandurang Sontakke,  
Aged about-46 years,  
Occ. Service R/o. Plot No. 41A,  
Dnyaneshwar Nagar,  
Near Malu College, Shegaon,  
Rahatgaon Road, Amravati-444603.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai – 32.
- 2) The Director General of Police,  
Maharashtra State,  
Shahid Bhagatsing Marg, Mumbai-1.
- 3) Superintendent of Police, Akola,  
Rajputpura, Near Collector Office, Akola,  
Distt.- Akola (M.S.)
- 4) The Spl IGP, Near Maltekdi  
Infront of Police Headquarter,  
Chandur Railway Road, Amravati- 444602.
- 5) The Commissioner of Police, Amravati,  
Infront of Police Heardquarter,  
Chandur Railway Road, Amravati – 444602.

**Respondents**

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**Shri D.S.Sawarkar, Id. Advocate for the applicant.**

**Shri A.M.Khadatkar, Id. P.O. for the Respondents.**

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**Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated :- 07.12.2023.**

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## **JUDGEMENT**

Heard Shri D.S.Sawarkar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. Case of the applicant in short is as under-

The applicant is working in the Police Wireless Department on the post of A.S.I. (Radio Mechanic) since 1993. The applicant was not feeling well he had a chest pain, dizziness, anxiety and diabetes, hypertension etc. Therefore, he intimated to his incharge Police Wireless Inspector, Akola. The applicant was unable to perform his duty due to sickness. The Police Wireless Inspector advised him to take proper treatment by giving him permission to remain absent from duty. He was given permission to get treatment as per letter dated 06.02.2015. Thereafter, he got treatment of Government Medical Hospital at Akola. He was under treatment of Government Hospital, Akola. He was advised bed rest for 15 days from 06.02.2015. Thereafter, again he went to the Government Hospital. He was again advised to take bed rest of 30 days. He was given medicine as per the prescription. Thereafter, applicant came to Amravati at his residential place. He got the treatment of Dr.Rajendra Dhore. The applicant was advised to take rest till 15.10.2015. In the prescribed form no.4 he had submitted application for grant of medical leave. Medical leave about 285 days were in balance but it was not granted by the Superintendent of Police, Akola. He was

given show caused notice. His explanation was not found satisfactory and, therefore, the respondent no.3, Superintendent of Police, GMC, Akola granted earned leave of 206 days without pay and also 1 increment was stopped. Appeal was preferred before the Special Inspector General of Police, Amravati. The said appeal was dismissed as per order dated 24.06.2016 (Annexure 14, P.47). Therefore, the applicant approached to this Tribunal for the following reliefs-

- i) That quashed and set aside the impugned order of Respondent no. 3 as Annexure-A9-, as well as the order of Respondent no. 4 as Annexure-A14, and the order of respondent no. 2 as Annexure - A17.*
- ii) Issue the direction to the respondent that the period of 206 leave without pay to be converted into Commuted/ Earn Leave and drawn the salary during the period thereof;*
- iii) Issue direction to the respondent not to recover annual increment for one year which was already paid by the Respondent No. 3; Vide Annexure- A-19.*

3. The O.A. is strongly opposed by the respondents. It is submitted that the applicant was referred to Medical Board. Medical Board issued certificate by which the Medical Board given opinion that leave from 06.02.2015 to 23.03.2015 may be granted and rest leaves may not be granted. Hence, the applicant is not entitled for relief. Therefore, the O.A. is liable to be dismissed.

4. During the course of submission, learned counsel for the applicant has pointed out various documents. The applicant was

permitted to proceed on sick leave as per letter dated 06.02.2015. The applicant was proceeded on leave. He approached to the Government Medical Hospital at Akola. He was advised bed rest for 15 days. He was given medicine the copy of prescription is filed on record. Again the applicant approached to the Government Medical Hospital, GMC Akola. He was advised to get bed rest for 30 days. Thereafter, he was under the treatment of Dr.Rajendra Dhore from 06.02.2015 to 23.03.2015. Dr.Rajendra Dhore, M.D. (Medicine), Amravati had given certificate to that effect. The applicant had submitted the medical certificate in the prescribed form.

5. The learned counsel for the applicant has pointed out Maharashtra Civil Services (Leave) Rules, 1981. As per his submission, Rule 41 is complied by the applicant. He had submitted the medical certificate in the prescribed form no.4. The learned counsel for the applicant has pointed out order passed by Special I.G., Amravati, in respect of similarly situated employee namely Chandrashekhar Balapure. Balapure was absent on medical leave for about six months. He was similarly punished by the Superintendent of Police, Akola. His appeal was allowed by the Special I.G. and punishment awarded by Superintendent of Police, Akola was quashed and set aside. The applicant is a similarly situated person as like Balapure. The applicant had submitted medical certificate of Dr.Rajendra Dhore in the prescribed

form no.4. Leaves for about 206 days are in balance. There was no hurdle for the respondent no.3 to grant medical leave. It is observed in the punishment order that he was unauthorisely absent. When he was proceeded on leave, he was permitted on medical leave as per letter dated 06.02.2015 issued by Police Inspector, Akola. Thereafter, he was continuously under the medical treatment of Government Hospital, Akola and, thereafter, Dr.Rajendra Dhore at Amravati. Therefore, the punishment of granting leave without pay and also stopping one increment is harsh. Hence, the following order.

**ORDER**

1. The O.A. is allowed.
2. The impugned order passed by respondent nos.3 and 4 is hereby quashed and set aside.
3. The respondents are directed to grant medical leave to the applicant from the period of 24.03.2015 to 15.10.2015.
4. The respondents are directed to restore the one increment which was stopped by the impugned order.
5. The O.A. is disposed of as well as C.A. is disposed of.
6. No order as to costs.

**(Shri Justice M.G.Giratkar)**  
**Vice Chairman**

**Dated :- 07/12/2023.**  
**rsm.**

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

Name of Steno : Raksha Shashikant Mankawde.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 07/12/2023.

and pronounced on

Uploaded on : 11/12/2023.