

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 388/2023 (S.B.)**

Ku. Sanjivani D/o Ashok Rathod,  
Age: 30 years, Occup: Service,  
Office of Police Station,  
Ashti, Ta. Chamorshi, Dist - Gadchiroli,  
R/o. C/o. Vilas Kasture, Ward No.4,  
Near Co-operative Bank, Ashti,  
Ta. Chamorshi, 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.

**Respondents**

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**Shri S.Borkute, Id. counsel for the applicant.**

**Shri H.K.Pande, Id. P.O. for the Respondents.**

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

**Dated:- 12.12.2023.**

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## **JUDGEMENT**

Heard Shri S.Borkute, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. As per the submission of the learned counsel for the applicant, the applicant could not attend the duty because of Covid-19. She was allowed to remain absent from duty as per sick leave dated 20.04.2021 issued by Police Inspector, Police Station, Ashti. After this letter, she remained absent and she was under the treatment of Doctor. She got medical treatment in the Rural Hospital, Ashti.

3. The learned counsel for the applicant has submitted that the applicant could not join the duty because of her ill health. Therefore, she had submitted the application for grant of leave. Applicant has 199 earned leave and 128 H.P.L. leave were balanced. Even though the respondents have granted 189 leave without pay.

4. The applicant had submitted the application along with medical Certificate. Hence, the applicant has approached to this Tribunal for direction to the respondents to grant leave.

5. The O.A. is strongly opposed by the respondents by filing reply of respondent no.2. It is submitted that the applicant was absent and therefore her leave was granted without pay. It is submitted that certificate of medical board was not produced by the applicant and therefore her leave without pay was granted.

6. The contention of the respondents that the applicant was absent for more than 90 days and therefore the certificate of Medical Board was required. It was the duty of the respondents to send the applicant for medical examination before the Medical Board. The applicant was under the treatment of the Government Hospital i.e. Rural Hospital (PHC), Ashti. The documents in respect of the treatment given by the Rural Hospital Ashti are on record. The applicant has submitted her application in the prescribed form. The applicant was on leave because of her ill health. Leave was balanced. But the respondents have granted leave without pay.

7. The learned counsel for the applicant has pointed out the decision of this Tribunal in O.A.No.527 of 2021. In the identical situation this Tribunal has directed the respondents to grant leave to the applicant in that O.A..

8. There is no dispute that the leave was in balance. There is no hurdle for the respondents to grant leave. Hence, the following order.

**ORDER**

1. The O.A. is allowed.
2. The respondents are directed to grant leave to the applicant of the period from 08.07.2021 to 13.01.2022 and regularise the said period by granting 189 days leave.

3. The respondents are further directed to pay the salary of the said period to the applicant within a period of three months from the date of receipt of this order.
4. No order as to costs.

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

**Dated :-12/12/2023.**  
**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 : 12/12/2023.  
and pronounced on