

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO.406/2018(S.B.)**

Vasant S/o Kisan Idhol,  
Aged about 56 years, Occ. Service,  
Permanent r/o Flat No.106,  
Bhagwati Apartments, Balaji Nagar,  
Near Bus Stand, Shegaon, Tq. Shegaon,  
District- Buldana.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through the Secretary,  
Vocational Education,  
Mantralaya, Mumbai – 32.
- 2) Joint Director,  
Vocational Education,  
Morshi Road, Amravati,  
Tq. and District- Amravati.
- 3) The Principal,  
Industrial Training Institute,  
Malkapur, Nandura Road, Malkapur,  
Tq. Malkapur, District-Buldana.
- 4) Sub-Treasury Officer, Malkapur,  
District- Buldana.

**Respondents**

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Shri C.A.Joshi, Ld. Counsel for the applicant.  
Shri A.P.Potnis, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri M.A.Lovekar, Member (J).**

**Dated: - 21<sup>st</sup> June 2023.**

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**JUDGMENT**

**Judgment is reserved on 13<sup>th</sup> June, 2023.**

**Judgment is pronounced on 21<sup>st</sup> June, 2023.**

Heard Shri C.A.Joshi, learned counsel for the applicant and Shri A.P.Potnis, learned P.O. for the respondents.

2. The applicant, a Craft Teacher attached to I.T.I., Malkapur applied for and availed earned leave for 23 days (07.02.2000 to 29.02.2000) and for 25 days (09.05.2000 to 02.06.2000). He further availed extra ordinary leave for 522 days (03.06.2000 to 06.11.2001). By order dated 04.03.2017 (Annexure R-4) said leaves were sanctioned. This order clarified –

**खाजगी कारणास्तव घेतलेल्या असाधारण रजेचे दिवस  
वेतन वाढीसाठी ग्राह्य धरले जात नाही तद्वतच १ फेब्रुवारी २००१  
पासून खाजगी कारणास्तव घेतलेली असाधारण रजा सेवानिवृत्ती  
वेतनासाठीही ग्राह्य धरली जाणार नाही.**

To earned leave from 07.02.2000 to 29.02.2000 previously availed earned leave from 09.12.1999 to 06.02.2000, which was sanctioned by the concerned Authority of I.T.I., Akot, was tagged. The applicant prays that he be paid arrears of salary for leave period, with interest.

3. By their reply at pp.37 to 43 respondents 2 and 3 have resisted the application on the ground of limitation. Annexures R-1 to R-4 attached to this reply show that after necessary compliance earned leave for 23 days and 25 days as well as extra-ordinary leave for 522 days was sanctioned by order dated 04.03.2017 (Annexure R-4).

4. On 04.07.2018 letter (Annexure R-5) was written to Principal, I.T.I., Wani by Principal, I.T.I.,Malkapur as follows-

**उपरोक्त विषयाच्या संदर्भित पत्रान्वये आपणास कळविण्यात येते कि, श्री. व्हि. के इधोळ, संधाता शिल्पनिदेशक हे आपले आस्थापनेवर दिनांक 7/11/2001 ते 7/7/2009 कार्यरत होते.**

**वरिल संदर्भिय पत्रानुसार त्यांच्या रजा मंजूर झालेल्या आहे. तरी त्यांचे रजेचे वेतन व वेतन निश्चिती करून फरकाची रक्कमेचे बिल तयार करणे करीता आपल्या संस्थेतील नोव्हेंबर 2001 ते जून 2009 पर्यंतचे प्रमाणक क्रमांक व दिनांक या कार्यालयास त्वरीत पाठविण्यात यावे जेणे करून संदर्हू कर्मचा-याचे फरकाचे बिल काढणे सोईचे होईल. तरी लवकरात लवकर प्रमाणक क्रमांक व दिनांक या कार्यालयास पाठविण्यात यावे.**

On the same day Principal, I.T.I.,Malkapur wrote a letter to Principal I.T.I., Sindhkhed Raja as follows-

उपरोक्त विषयाच्या सदभित पत्रान्वये आपणास कळविण्यात येते कि, श्री. व्हि. के. इधोळ, संधाता शिल्पनिदेशक हे आपले आस्थापनेवर दिनांक 8/07/2009 ते 17/6/2016 कार्यरत होते.

वरिल संदर्भिय पत्रानुसार त्यांच्या रजा मंजूर झालेल्या आहे तरी त्यांचे रजेचे वेतन व वेतन निश्चिती करून फरकाची रक्कमेचे बिल तयार करणे करीता आपल्या संस्थेतील जूलै 2009 ते जून 2016 पर्यंतचे प्रमाणक क्रमांक व दिनांक या कार्यालयास त्वरीत पाठविण्यात यावे. जेणे करून संदर्हू कर्मचा-याचे फरकाचे बिल काढणे सोईचे होईल. तरी लवकरात लवकर प्रमाणक क्रमांक व दिनांक या कार्यालयास पाठविण्यात यावे.

As per Annexure A-6 (at P.59) arrears payable to the applicant on account of difference in salary, and salary for leave period were calculated at Rs.17,71,086/-.

Respondent no.4 raised following objection (Annexure R-7) when the bill was submitted to it-

देयकातील मागणीचा कालावधी सहा वर्षापेक्षा अधिकचा असल्याने देयकासोबत सक्षम प्राधिकारी यांचे मंजूरी आदेश जोडण्यात यावे. (मु.वि.नि. 1959 39 (ब) टीप-5 अन्वये).

5. Aforequoted details will show that the instant O.A. which is filed on 12.06.2018 is within limitation and all that remains to be done is to

issue directions to respondents 3 and 4 so that the arrears can be paid to the applicant expeditiously. Hence, the order.

**ORDER**

The O.A. is allowed in the following terms-

Respondent no.3 shall ensure that objection raised by respondent no.4 in respect of bill of arrears payable to the applicant is removed within two months from today whereupon respondent no.4 shall do the needful without loss of time. Issue of interest is kept open. No order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 21/06/2023  
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 Member (J).  
Judgment signed on : 21/06/2023.  
and pronounced on