

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 60/2022(S.B.)

Mr. Milind Puroshottam Hande,
Occ : Retired, aged : 58 years,
R/o : Plot No.273, Shree Nagar,
Nagpur-15.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Principal Secretary,
Skill Development Employment,
And Entrepreneurship Department,
Mantralaya, Mumbai-32.
- 2) The Director, Directorate of
Vocational Education, and
Training, Mahapalika Marg,
Mumbai-40000.
- 3) The Joint Director, Directorate of
Vocational Education,
and Training, Nagpur.

Respondents

Shri Abhay Sambre, Ld. Counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

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

Dated: - 20th July 2022.

JUDGMENT

Heard Shri Abhay Sambre, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents

2. Learned counsel for the applicant has pointed out that the applicant has prayed for direction to the respondents to sanction leave for the period from 15.06.2012 to 11.09.2012 about 89 days.

3. The applicant was working as a Principal at Industrial Training Institute (ITI). He was transferred to Etapalli, District Gadchiroli. He could not join the said posting. The applicant applied for medical leave, as per his application dated 15.06.2012, the said application was supported by Medical Certificate in Form No.14. The Medical Officer advised him to take rest. The respondents have directed the applicant to remain present before the Medical Board to examine him. Respondents have denied the claim of applicant. It is submitted that he was unauthorisedly absent. Therefore, extraordinary leave was granted without pay. No merit in the O.A. and liable to be dismissed.

4. Documents filed on record show that the Medical Board after examining the applicant given their opinion as “No opinion of past illness and leave taken can be given”. Thereafter, the Deputy Director of Vocational Education & Training, Nagpur recommended to the Director of Vocational Education & Training, Mumbai for grant of leave of 89 days as per letter dated 04.02.2013. The respondent no.1 not granted leave, but granted as extraordinary leave without pay.

5. The respondent no.1 has directed to respondent no.2 to recover the amount of salary of the extra ordinary leave.

6. It is submitted that the applicant was having sufficient leaves, but these Medical leaves which were balance shown in the service book, were not taken into consideration.

7. During the course of argument on the last date the applicant was directed to produce Duplicate service book. Today duplicate service book is produced. All the entries are attested by the Director (R/2)/ respondent no.3.

8. As per the entries in the service book, 302 medical leaves were in balance. The applicant sought medical leaves of 89 days. As per the recommendation of respondent no.3 (page no.46),

the applicant was entitled to get sanction of 89 days leave. The respondent no.1 not considered the same. Hence, the following order.

ORDER

1. The O.A. is allowed.
2. The respondents are directed to sanction medical leaves of the applicant for the period from 15.06.2012 to 11.09.2012.
3. The applicant is retired employee.
4. The respondents are directed to pay the salary of leave period from 15.06.2012 to 11.09.2012.
5. The respondents are directed to implement this order within a period of three months from the date of receipt this order.
6. No order as to costs.

(Justice M.G.Giratkar)

Vice Chairman

Dated – 20/07/2022

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 : 20/07/2022.
Uploaded on : 22/07/2022.