

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 889/2021 (S.B.)

Dhanraj S/o Damodhar Barapatre,
Aged 57 years, R/o Plot No.502/B,
Narmada Colony Katol Road,
Nagpur 440013.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Dairy Development Department,
Mantralaya, Mumbai-32.

- 2) The Regional Dairy Development Officer,
Telang Khedi Road, Civil Lines,
Nagpur - 440001.

Respondents

Shri B.Kulkarni, Ld. Counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

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

Dated: - 3rd November, 2023.

JUDGMENT

Judgment is reserved on 1st November, 2023.

Judgment is pronounced on 3rd November, 2023.

Heard Shri B.Kulkarni, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the respondents.

2. By the impugned order dated 18.12.2021 (Annexure A-2) earned leave of 44 days (from 15.04.2021 to 28.05.2021) was debited to account of the applicant. The applicant ventilated his grievance against the same by representation dated 30.08.2021 (Annexure A-1) as follows-

तरी आपणांस सविनय विनंती आहे की दि.१५.०४.२०२१ ते दि.३०.०४.२०२१ या कालावधीकरिता ५० टक्के उपस्थितीसाठी १६ गैरहजेरीकरिता ८ अर्जित रजा व दि.०१.०५.२०२१ ते दि.२८.०५.२०२१ या कालावधीकरिता १५ टक्के उपस्थितीसाठी २८ गैरहजेरीकरिता ४ अर्जित रजा कोरोना शासन निर्णयाप्रमाणे मंजूर करणे नियमाधिन असल्याने अश्या एकुण १२ अर्जित रजा मंजूर करण्याची विनंती आहे.

शासनानी कोविड-१९ या साथीच्या आजारात निर्णय घेण्याचे अधिकार हे मा. आयुक्त नागपूर महानगरपालिका, नागपूर, यांना संदर्भ १ प्रमाणे दिलेले आहेत.

3. Respondent no.2 resisted the O.A. on the ground that the applicant had an alternative remedy to approach the designated authority as per G.R. dated 02.09.2021 (Annexure R-1). Learned

Advocate for the applicant Shri B.Kulkarni has placed on record G.R. dated 09.08.2023 (at pg. 30) by which G.R. dated 02.09.2021 is cancelled. In this factual background question of debit of earned leave to the account of the applicant will have to be reconsidered by respondent no.2. Respondent no.2 shall reconsider order dated 18.08.2021 and pass necessary orders, in the light of various guidelines issued by Government of Maharashtra in respect of attendance in office during Covid-19 pandemic. The O.A. is allowed in these terms with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 03/11/2023
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 : 03/11/2023.
and pronounced on : 03/11/2023.