

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.1067 OF 2022**

DISTRICT : SOLAPUR

Shri Ramakant Chandrakant Deshmukh,)
Age 38 years, Occ. Talathi, present working as)
Talathi Upale Du. Taluka Barshi, Dist. Solapur 413201)..Applicant

Versus

1. The State of Maharashtra,)
Through its Secretary, Revenue Department,)
Mantralaya, Mumbai 400032)
2. The District Collector, Solapur)
3. The Sub Divisional Officer, Solapur No.1,)
Collector Office, Solapur)
4. The Tahsildar, Barshi,)
Office at Tahsil Office, Barshi, Dist. Solapur)..Respondents

Shri G.B. Solanke – Advocate for the Applicant

Smt. K.S. Gaikwad – Presenting Officer for the Respondents

CORAM : Smt. Medha Gadgil, Member (A)

RESERVED ON : 19th June, 2023

PRONOUNCED ON: 21st June, 2023

J U D G M E N T

1. Heard Shri G.B. Solanke, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant is working as Talathi at Barshi Taluka and holding charge of DSP Work and Prime Minister Kisan Scheme at Tahsil Office, Barshi vide letter dated 24.6.2019. He challenges orders dated 4.2.2022 passed by respondent no.4 and seeks directions to the respondents to release his salary for the period from 28.6.2019 to 21.7.2019 and from 26.8.2019 to 31.8.2019 along with interest as provided under the law. Ld. Advocate for the applicant states that applicant being a Talathi was not required to sign the muster. However, respondent no.4 the Tahsildar had assigned him office work and asked him to sign the Muster on daily basis. However, he allege that respondent no.4 used to strike out the signatures made by the applicant in the muster to show that applicant was absent on duty. Respondent no.4 put a remark on the muster that “though the Applicant was absent in the month of July, 2019 he put signatures on the muster, hence notice was issued to the Applicant”. Hence, the applicant did not get salary for 3 months of June, July and August, 2019. On 7.9.2019 respondent no.4 issued show cause notice to the applicant stating that he was absent from duty and why disciplinary action should not be taken against the applicant. The applicant replied to the said notice denying all the allegations and requested them to release the salary for the months of June, July & August, 2019. Earlier the applicant had filed OA No.878 of 2021 in this Tribunal. During hearing the Ld. PO submitted that respondents have taken decision about payment of applicant by two separate orders dated 4.2.2022 passed by respondent

no.4 wherein 30 days were treated as leave without pay and 24 days were treated as earned leave.

3. Per contra Ld. PO opposed the OA. She stated that respondent no.4 has stated on oath that applicant was not present on the said days. Ld. PO relied on the affidavit dated 24.1.2023 filed by Shri Sunil N. Sherkhane, Tahsildar, Barshi wherein it is stated that:

“8. I say and submit that in this regard the then Tahsildar had enquired on 26.7.2019, it has been noticed that applicant remained absent and in spite of that he had signed several official documents, and made a remarks to submit a report to the higher authority.

9. I say and submit that it has been revealed that the applicant had not followed the official discipline and there is no departmental enquiry pending against him. Therefore, on the basis of the applicant’s earned leave applications dated 22.7.2019 to 30.7.2019 and 1.8.2019 to 24.8.2019 as per MCS (Earned Leave) Rules, 2981, Rule 26, his earned leave has been sanctioned without pay.”

4. Considered the arguments of both the sides. It is rather surprising to note that such a frivolous Original Application has been filed by the applicant. Earlier OA No.878 of 2021 filed by the applicant was allowed to be withdrawn by order dated 10.2.2022 with liberty to challenge orders dated 4.2.2022 as may be permissible in law. It is hard to accept the contentions of the Ld. Advocate for the applicant regarding the muster, when a senior officer like respondent no.4 states on oath that applicant had signed the muster afterwards. We have to accept the same.

5. I find no merit in the arguments of the Ld. Advocate for the applicant. Hence, this OA is dismissed with no order as to costs.

Sd/-
(Medha Gadgil)
Member (A)
21.6.2023

Dictation taken by: S.G. Jawalkar.

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