

BEFORE THE HON'BLE MAHARASHTRA ADMINISTRATIVE
TRIBUNAL AT BOMBAY

ORIGINAL APPLICATION NO. OF 2024.

DISTRICT: MUMBAI

Vidyasagar Manikrao Hirmukhe,) ... Applicant.

V/s.

1. The State of Maharashtra,)

2. Director, Directorate of Accounts and) ... Respondents.

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Place: Mumbai

Date: 30/08/2024



Advocate for the Applicant

A

BEFORE THE HON'BLE MAHARASHTRA ADMINISTRATIVE
TRIBUNAL AT BOMBAY
ORIGINAL APPLICATION NO. OF 2024.
DISTRICT: MUMBAI

Vidyasagar Manikrao Hirmukhe,) ... Applicant.

V/s.

1. The State of Maharashtra,)
2. Director, Directorate of Accounts and) ... Respondents.

SYNOPSIS

Dates	Particulars of Events
17/06/14	The Applicant was transferred on deputation to the office of director general of anticorruption bureau as deputy director (finance).
21/06/14	The Applicant was relieved from his earlier posting from directorate of national health scheme. Accordingly the Applicant has taken the charge in anticorruption Department.
02/07/14	The joining of the Applicant has been recorded by the office of director general of anticorruption bureau and inform to the Respondent No. 1.
22/06/15	The Hon'ble state Minister of home (City) required the services of the Applicant 1 the questions raised in the sessions of the legislative assembly.
17/06/15	The Hon'ble state Minister of home (city) have directed repatriate the Applicant to parent Department for administrative reasons.

B

22/06/15	The director general of anticorruption bureau by order repatriated the Applicant's to its parent Department for administrative reasons.
23/06/15	The Applicant by letter have given a joining report to the Respondents.
27/01/16	Since the Applicant was not given the posting, the Applicant requested to view posting as per the recommendation dated 02/12/2015 of the Hon'ble Minister (revenue).
20/04/16	The Applicant have made the representation to treat the period from 23/06/2015 to 17/04/2016 i.e. 300 days period to be treated as a compulsory waiting period. To which the directorate have remark that no work no pay principal will be applicable.
25/05/17	The Respondent No. 2 have forwarded the proposal/report for considering the said 300 days period cannot be treated as compulsory waiting period and require to be regulated from the leave.
24/01/18	The Respondent No. 1 after considering the above said report was pleased to pass the office order and regulated the 300 days period towards the sanction leave.
24/12/18	The Applicant have made a representation against the abovesaid order on various ground to the Respondent No. 2.
22/01/20	The Respondent No. 1 have considered the representation and decided that the order dated 24/01/18 is passed at the level of the government and therefore rightly passed the same.
07/12/20	The Applicant have made another representation in details and sought to treat the said period as a compulsory waiting period.

04/01/23	The Respondent No. 1 by letter inform that already the decision has been taken and therefore the request to treat the said as compulsory waiting period cannot be consider.
13/06/24	The Respondent No. 2 office informed the Applicant about the orders passed by the Respondent No. 1 by which the request to treat the 300 days period as compulsory waiting period is turn down.
	Hence the original application

POINT FOR CONSIDERATION:

As advanced in the application.

BOOKS TO BE REFERRED:

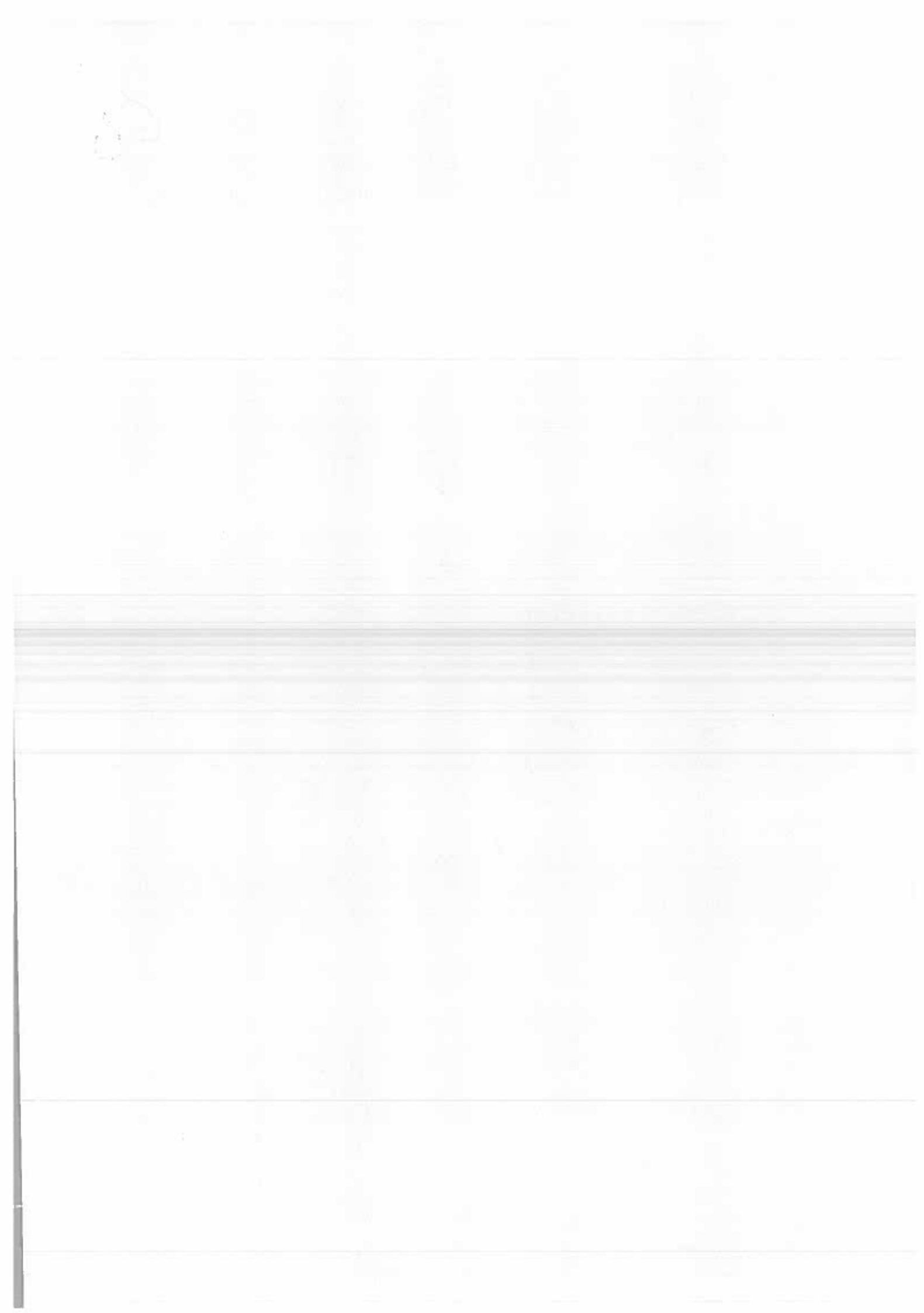
- 1) Constitution of India.
- 2) Administrative Tribunal Act 1985
- 3) Maharashtra Civil Services (Pay) & (Leave) Rules 1981
- 4) Any other enactment, Circular or GR issued from time to time by the State Govt. with prior permission of this Hon'ble Court.

AUTHORITIES:

At present Nil.

Place: Mumbai
Date: 30/08/2024


Advocate for the Applicant



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IN THE HON'BLE MAHARASHTRA ADMINISTRATIVE
TRIBUNAL, AT MUMBAI

ORIGINAL APPLICATION NO. OF 2024

DISTRICT: MUMBAI

Vidyasagar Manikrao Hirmukhe,)

Age. Adult, Occupation: Service,)

Working at Deputy Director, Accounts)

Transport Commissioner Office at MTNL)

Building, Fort, Mumbai – 400 001)

... Applicant.

Mob:- 9867828844

V/s. Email:- Vmhmukhe70@gmail.com

1. The State of Maharashtra,)

Through its Secretary, Account & Treasury)

Finance Department, Madam Cama Road)

Hutatma Rajguru Chowk, Mantralaya,)

Mumbai – 400 032.)

2. Director, Directorate of Accounts and)

Treasury Department, Mumbai Port Trust)

Having office at Kasturi Bldg,)

Gr. floor, J. Tata Road, Opp Petroleum)

House, Churchgate, Mumbai – 400 001.)

... Respondents.

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**THE HUMBLE APPLICATION ON
BEHALF OF THE APPLICANT
ABOVENAMED**

1) PARTICULARS OF THE APPLICANT:

i)	Name of the Applicant	:	As in the Title Clause
ii)	Father's Name	:	As in the Title Clause
iii)	Designation and Office in which employed	:	As in the Title Clause
	Address for service of Notice	:	Same as above.

2) PARTICULARS OF THE RESPONDENTS:

i)	Name, Designation & Address of the Respondents:		
	1)	Same as above	
ii)	Address for service of Notice	Same as above	

**3) PARTICULARS OF THE ORDER AGAINST WHICH THE
APPLICATION IS MADE:**



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The Applicant is challenging the office order dated 24.01.2018 passed by Respondent No. 1 thereby adjusted the compulsory waiting period of the Applicant in sanction leave. Upon representation the Respondent No. 1 by order dated 22.01.2020 and 04.01.2023 informed the Applicant that, the Office order dated 24.01.2018 is rightly passed. Hereto annexed and marked as Exhibit 'A'(Colly.) are the copies of orders dated 24.01.2018, 22.01.2020 and 04.01.2023.

4) **JURISDICTION OF THE TRIBUNAL:**

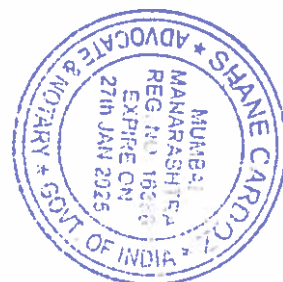
That the present Original Application is within the jurisdiction of this Hon'ble Tribunal as the cause of action has been arisen within the same jurisdiction.

5) **LIMITATION:**

The Applicant states that the Respondent No. 2 by letter dated 13.06.2024 lastly replied the representation of the Applicant and have informed the Applicant about the above said impugned order and therefore the O.A. filed by him is within the limitation if one considers the detailed averments made in the O.A.

6) **FACTS OF THE CASE:**





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6.1 The Applicant states that, the Applicant is working as a Deputy Director in the Maharashtra Finance and Account Services attached with Respondent No. 2. The Applicant was transferred on deputation to the office of Director General of Anti-Corruption Department office at Worli as Deputy Director (Finance) by order dated 17.06.2014. Hereto annexed and marked as **Exhibit 'B'** is copy of the order of transfer/ deputation of the Applicant dated 17.06.2014.

6.2 The Applicant states that, accordingly, the Commissioner/ Director of National Health Scheme have relieved the Applicant to join his transfer posting by relieving letter dated 21.06.2014. Accordingly, the Applicant have joined and has taken the charge on 21.06.2014 itself. The Additional Police Superintendent attached with the Director of Anti-Corruption Bureau by letter dated 02.07.2014 have informed the Respondent No. 1 about the joining of the Applicant. Hereto annexed and marked as **Exhibit 'C'(Colly.)** are the copies of the relieving letter dated 21.06.2014 and letter dated 02.07.2014 recording the joining of the Applicant at Anti-Corruption Bureau.





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6.3 The Applicant states that, the State Minister of Home Department, by letter dated 22.05.2015 have requested the Director General of Anti-Corruption Bureau to make the service of the Applicant as Deputy Director of Finance available to their office, so as to satisfy the questions raised in the Sessions of Legislative Assembly. Hereto annexed and marked as **Exhibit 'D'** is copy of order dated 22.05.2015 issued by the State Minister, Home Department (City).

6.4 The Applicant states that, the State Minister, Home (City) by order dated 17.06.2015 have directed the Director General of Anti-Corruption Bureau to repatriate the service of the Applicant from the date of order for the administrative reasons. Accordingly, the Additional Director General of Anti-Corruption Bureau by order dated 22.06.2015 have repatriated the services of the Applicant for administrative reason to its parent department i.e. Respondent No. 2 from the date of order. Hereto annexed and marked as **Exhibit 'E'** is copy of the order dated 17.06.2015 issued by the State Minister, Home (City) and the order of repatriation passed by Additional Director General of Anti-Corruption Bureau on 22.06.2015.





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6.5 The Applicant states that, consequently the Applicant by letter dated 23.06.2015 approached the Respondent No. 2 with a request to join the Applicant from 23.06.2015 itself. The Applicant have also addressed a letter dated 23.06.2015 for joining to the Respondent No. 1. Hereto annexed and marked as Exhibit 'F' is copy of the letter dated 23.06.2015 addressed by the Applicant to the Respondent Nos. 1 and 2.

6.6. The Applicant states that, since the Applicant has not been given any posting by the Respondents, the Applicant has made a fresh representation dated 27.01.2016 to the Respondents stating that though the Applicant have joined the office of Respondent No. 2 on 23.06.2015, but no posting has been given to the Applicant. Thereafter, the Applicant requested to the Hon'ble Minister (Revenue) for the posting. Accordingly, the Hon'ble Minister (Revenue) by order dated 02.12.2015 have recommended the posting at Mahananda Dairy as General Manager (Finance & Accounts). In view of the said letter the Applicant requested to give the posting in view of the recommendation given by the Hon'ble Minister. Hereto annexed and marked as Exhibit 'G'(Colly.) are copies of letter dated 27.01.2016 addressed by the Applicant to the Respondents for posting.

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6.7. The Applicant states that, the Applicant was given posting at Mahananda Dairy as a General Manager (Finance & Account) on 13.04.2016 and the Applicant have joined on 18.04.2016. The Respondent No. 2 by letter/ proposal dated 25.05.2017 addressed to the office of Respondent No. 1 stating that, the Applicant should have joined the office of Respondent No. 2 on 23.06.2015, but actually he did not join. The Applicant by letter dated 20.04.2016 have requested that the period from 23.06.2015 to 17.04.2016 total 300 days is requested to be treated as compulsory waiting period, but Respondent No. 2 opined that, since, Applicant have not joined the office of Respondent No. 2 and therefore, the said period is required to be regulated from the sanction leave. Accordingly, the Respondent No. 2 have proposed the same to Respondent No. 1. Hereto annexed and marked as Exhibit 'H' is copy of internal communication/proposal between the Respondents dated 25.05.2017.

6.8. The Applicant states that, accordingly, the Respondent No. 1 by office order dated 24.01.2018 have regulated the 300 days period of compulsory waiting period as and towards the sanction leave. The copy of the said office order is annexed at Exhibit 'A' hereinabove.





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6.9 The Applicant states that, the Applicant have made the representation dated 24.12.2018 against the above said order dated 24.01.2018 to the Respondent No. 2. It is stated that, the Applicant was awaiting the posting and by letter dated 23.06.2015 and 27.01.2016 requested the Respondents to give the posting. By converting the compulsory waiting period into sanction leave the Applicant will suffer huge financial losses for no fault of the Applicant. The Applicant hereby requested to convert the said period into compulsory waiting period. Hereto annexed and marked as Exhibit 'I' is copy of the representation dated 24.12.2018 addressed by the Applicant to the Respondent No. 2.

6.10 The Applicant states that, the Respondent No. 1 by letter dated 22.01.2020 have informed the Respondent No. 2 that, the order of regulating the 300 days as a sanction leave is passed at the stage of Government and approved by the Government, therefore the same is rightly passed. The copy of the said order is annexed and marked as Exhibit 'A' hereinabove.

6.11 The Applicant states that, once again the Applicant made a detailed representation to the Respondent No. 2 by narrating the each and every



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facts. It is stated that, it is only because of the mistake of Directorate, applicant have not received the salary for 300 days. Despite of joining report by applicant by remaining present physically, no posting has been given. No action has been initiated for such period of absent from duty by the department. No memo/ notice has been issued by the Department. Thereby requested to avoid the financial loss to the Applicant, the said period of 300 days may be treated as a compulsory waiting period. Hereto annexed and marked as Exhibit 'J' is copy of the representation dated 07.12.2020 addressed by the Petitioner to the Respondent No. 2.

6.12. The Applicant states that, the Respondent No. 2 by letter dated 13.06.2024 have informed the Applicant that, the decision is already taken by order dated 21.01.2020 and 04.01.2023 and therefore it is not possible to treat the said period of 300 days as a compulsory waiting period. Hereto annexed and marked as Exhibit 'K' is copy of the letter dated 13.06.2024 addressed by office of Respondent No. 2 to the Applicant.





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7. In the aforesaid premises, the applicant approaches this Hon'ble Tribunal for the removal of injustice caused to him on the following amongst other grounds which are without prejudice to one another: -

GROUND S

- 7.1 The Applicant submits that, the Director General of Anti-corruption bureau by order dated 22/06/2015 repatriated the Applicant to the parent Department. The said order was also addressed and communicated to the office of Respondent No. 2. Therefore they duty its cast upon the Respondent No. 2 to give posting to the Applicant after relieved by the director-general of anti-corruption bureau.
- 7.2 The Applicant submits that, the Respondents have failed to consider the joining letter dated 23/06/2015 addressed by the Applicant to the Respondents. The Respondents have also failed to consider the later dated 27/01/2016 requested to give the posting as per the recommendation of the Hon'ble Minister (revenue). Despite all this efforts by the Applicants the Respondents have failed miserably to give posting to the Applicant. Therefore the Applicant cannot be held responsible for the same. Hence the proposal/recommendation submitted by the Respondent No. 2 to the Respondent No. 1 for regulating the

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waiting period as leave period is based on erroneous facts and cannot be relied by the Respondent No. 1 while passing the impugned orders.

7.3 The Applicant submits that, the recommendation/proposal dated 25/05/2017 by the joint director, of Respondent No. 2 office has wrongly put remark that, the Applicant did not joined the posting. It is also admitted that on 13/04/2016 the Applicant have joined as the general manager of Mahananda Dairy. The said proposal's stand on the erroneous and on misleading facts leading to financial loss to the Applicant by treating the 300 days as the leave period and not the compulsory waiting period.

7.4 The Applicant submits that, the Respondent No. 1 office by office order dated 24/01/2018 after considering the aforesaid report of the Respondent No. 2 have passed the order by treating the 300 days as the sanction leave accumulated in the credit of the Applicant instead of treating the same as compulsory waiting period. There is no statutory provision under which the said order has been passed. The Maharashtra civil services (leave) rules 1981 does not empower or permit the Respondents to treat such period as earn leave or leave period so as to regulate the period of non-

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posting of the Applicant. Therefore the impugned order is passed without any power or without any authority in the eyes of law.

7.5 The Applicant submits that, the Maharashtra civil services (pay) rules 1981 provides by defining the word duty under rule 9 (14) (f) it further provides that the period for which the government servant is required to wait compulsorily until the receipt of his posting order shall be treated as period of compulsory waiting. The rule 23 further provides that a person treated as on duty under clause (f) of the rule 9 (14) will draw the pay of the post service to which he is appointed. The Respondent No. 1 and 2 have failed to consider the said provisions and thereby committed the error while passing the impugned orders causing huge financial loss to the Applicant for no fault.

7.6 The Applicant submits that, when a government servant have to wait for orders of posting, such period of waiting shall be treated as a duty period. During such period the government servant shall be eligible to draw the pay plus special pay which the government servant would have drawn had a he continued in the post he held immediately before the period of compulsory wait. The Respondents ought to have to consider the said fact



and a proposition of law, having failed to consider the same the impugned order suffers from the error on the face of the law.

7.7 The Applicant submits that, from the aforesaid facts as well as the communications it is established that the Respondents was at fault by not giving posting to the Applicants and therefore not allowing the Applicant to join the duty in spite of presenting himself for the duty. It is also established that the Respondents have failed to take a decision on the joining report submitted by the Applicant and therefore the said period is required to be treated as a compulsory waiting period as if the Applicant was on duty.

7.8 The Applicant submits that, the representation of the Applicant to the Respondent No. 2 dated 20/04/2016, which has recorded the finding/conclusion of the then director that no work no pay and consequently and or accordingly the proposal/recommendation dated 25/05/2017 has been forwarded to the Respondent No. 1. The said fact was never brought to the notice of the Applicant and therefore the said action is without notice is in violation of the principles of natural Justice hence required the interference at the instance of this Hon'ble tribunal.



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7.9 The Applicant submits that, it is well settle principal in law that no work no pay is the rule and no work yet pay is the exception and the compulsory waiting period is one such exception. From the facts stated hereinabove it is established that the Applicant have made endeavours to join the duties twice but the Respondents have failed to give the posting to the Applicants and therefore the Respondent for their fault cannot help Applicant responsible.

7.10 The Applicant submits that, that the inaction on the part of Respondents to act on the joining report of the Applicant and for which the Respondents are at fault. Because of the fault of the Respondents the Applicant is suffering the huge financial losses by not giving posting to the Applicant in the appropriate time. The impugned orders of the Respondents are illegal and bad in law. It indicates the colourable exercise of the power at the instance of the Respondents. They have acted at their own whims and wishes and made the Applicant to suffer for the same.

8) DETAILS OF THE REMEDIES EXHAUSTED: -





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The Applicant states that, the Applicant have exhausted all the remedies available under the law by making the representation to the Respondents authorities.

9) **MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:**

The Applicant states that he has not previously filed any Petition in any court in respect of the subject matter of this O.A. or being pending in any Court.

10) **RELIEF SOUGHT:**

- | | |
|-----|--|
| (a) | By a suitable order/direction, this Hon'ble Tribunal may be pleased to quash and set-aside the impugned order dated 24/01/2018, 22/01/2020 and 04/01/2023 passed by the Respondent No. 1 and Direct the Respondents to release all service benefits to the Applicant by treating the period from 23/06/2015 to 17/04/2016 as compulsory waiting period with a direction to pay the salary for the said period as per rule 23 of the Maharashtra civil services (pay) rules 1981 with the interest at a rate of 9% till the date of payment |
|-----|--|



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(b)	The Hon'ble Court may further be pleased to direct to the Respondents to release the pay of Applicant without any further delay;
(c)	Any other equitable relief.
(d)	And cost of this Application.

11) **INTERIM RELIEF, IF ANY:**

NIL

12) **PARTICULARS OF THE POSTAL ORDER:**

1)	Number of the Postal Order	:	
2)	Amount of the Postal order	:	Rs.50/-
3)	Name of the Post Office	:	
4)	Date of the Postal Order	:	

13) **LIST OF ENCLOSURES:**
AS PER THE INDEX ABOVE.

PLACE: MUMBAI
DATE: 30.08.2024



SUHAS S DEOKAR
Advocate for the Applicant



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VERIFICATION

I, Vidyasagar Manikrao Hirmukhe, Age. Adult, Occupation: Service, Working at Deputy Director, Accounts Transport Commissioner Office at MTNL Building, Fort, Mumbai – 400 001. do hereby verify and solemnly state on oath that the contents of Para Nos. 1 to 9 are true to my personal knowledge and Para Nos. 10 to 13 are believed to be true on legal advice and that I have not suppressed any material fact.

30 AUG 2024

Date: 30/08/2024
Place: Mumbai


(APPLICANT)

BEFORE ME



SHANE CARDOZ

Advocate & Notary (Govt. of India)
Reg. No. 16388 B Com, LL B
G3, Clifford House, Kadeshwari Mandir Road
Next to Ganesh Mandir Chowk, Bandra (W)
Mumbai - 400 050 Mob. 98205 17020

BEFORE ME


SUHAS SHIVAJI DEOKAR
Advocate for the Applicant



Notary Registrar Serial No	5654/24
Date:	30 AUG 2024

ORIGINAL SEEN & VERIFIED						
AADHR	PAN	ELECTION ID	DRNG. LICENSE	PASSPORT	POA	RESOLUTION
7889 1078 3729						



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Exh-A

महाराष्ट्र शासन

18

क्र.संलेको-२०१८/प्र.क्र.०९/कोषा प्रशा २,

वित्त विभाग,
मादाम कामा रोड,
हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई-४०० ०३२.
दिनांक:-२४ जानेवारी, २०१८.

कार्यालयीन आदेश

महाराष्ट्र वित्त व लेखा सेवा उपसंचालक संवर्गातील श्री. विद्यासागर माणिकराव हिरमुखे तत्कालिन उपसंचालक (वित्त), अँन्टी करप्शन ब्युरो, महाराष्ट्र राज्य, मुंबई यांचा दि.२३/०६/२०१५ ते दि.१७/०४/२०१६ पर्यंत एकूण ३०० दिवसांचा अनुपस्थितीचा कालावधी अर्जित/परिवर्तित रजा म्हणून खालील तक्त्यात दर्शविल्याप्रमाणे मंजूर करण्यात येत आहे. श्री. हिरमुखे, उपसंचालक यांच्या रजा खाती दि.३०/०६/२०१५ पर्यंत २७२ दिवस अर्जित रजा व १११ दिवस अर्धवेतनी रजा शिल्लक असल्याचे सहसंचालक, लेखा व कोषागारे, मुंबई यांनी प्रमाणित केले आहे.

अ.क्र.	रजेचा कालावधी	रजेचा प्रकार	एकूण रजेचे दिवस
१.	दि.२३/०६/२०१५ ते दि.२०/०३/२०१६	अर्जित	२७२ दिवस
२.	दि.२१/०३/२०१६ ते दि.१७/०४/२०१६	अर्धवेतनी	१११ दिवस
एकूण -			३०० दिवस

२. श्री. हिरमुखे, उपसंचालक यांच्या उपरोक्त रजा कालावधीचे वेतन व भत्ते आहरित करण्यास लेखाधिकारी (रचना व कार्यपद्धती), लेखा व कोषागारे, मुंबई यांना प्राधिकृत करण्यात येत आहे.

(मा.रा. गांधी)

अवर सचिव, वित्त विभाग

प्रत -

- १) प्रधान सचिव (ले.व को.), वित्त विभाग, मंत्रालय, मुंबई,
- २) महालेखापाल (लेखा व अनुज्ञेयता / लेखापरिक्षा), महाराष्ट्र - १, मुंबई,
- ३) संचालक, लेखा व कोषागारे संचालनालय, मुंबई,
- ४) संचालक, स्थानिक निधी लेखापरिक्षा, कोकण भवन, नवी मुंबई,*
- ५) श्री.विद्यासागर माणिकराव हिरमुखे, महाव्यवस्थापक (वित्त व लेखा), महानंद दुग्धशाळा, गोरोगांव (पू), मुंबई,*
- ६) श्री. विद्यासागर माणिकराव हिरमुखे, उपसंचालक यांचे मूळ सेवापुस्तक *
- ७) निवडनस्ती, कोषा-प्रशा-२, वित्त विभाग, मंत्रालय, मुंबई.

*(संचालक, लेखा व कोषागारे, संचालनालय, मुंबई यांच्याकडे)

T.C

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E, / 1468
03.02.2020

महाराष्ट्र शासन

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संचालनालय लेखा व कोषागारे
महाराष्ट्र राज्य, मुंबई-२१.

तात्काळ

01 FEB 2020

प्रति,

श्राप्त झाले नाही.....

संचालक,
लेखा व कोषागारे संचालनालय,
महाराष्ट्र राज्य, मुंबई.

क्र.संलेको-२०१८/प्र.क्र.०९/कोषा प्रशा-२
वित्त विभाग, मादाम कामा रोड,
हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक :- २२ जानेवारी, २०२०.

१८८
०९/०२/२०२०

विषय :- रजा मंजूर केलेला कालावधी हा प्रतिक्षाधीन कालावधी समजून मान्यता मिळणेबाबत.

श्री. विद्यासागर माणिकराव हिरमुखे, उपसंचालक.

संदर्भ :- १) लेखा व कोषागारे संचालनालय, मुंबई यांचे पत्र क्र.संलेवको/प्रशा-राप/प्रतिक्षाधीन/का-६/०२.२०१९/२४४, दि.१२/०३/२०१९.
२) लेखा व कोषागारे संचालनालय, मुंबई यांचे पत्र क्र.संलेवको/प्रशा-राप/प्रतिक्षाधीन/का-६/०५.२०१९/४७७, दि.११/०६/२०१९.
३) लेखा व कोषागारे संचालनालय, मुंबई यांचे पत्र क्र.संलेवको/प्रशा-राप/प्रतिक्षाधीन/का-६/०८.२०१९/९४५, दि.०९/०९/२०१९.

महोदय,

उपरोक्त संदर्भाधीन पत्र क्र.१ ते ३ अन्वये, श्री. विद्यासागर माणिकराव हिरमुखे, उपसंचालक यांची दि.२३/६/२०१५ ते दि.१७/४/२०१६ पर्यंत एकूण ३०० दिवसांची रजा कालावधी हा प्रतिक्षाधीन कालावधी समजून मान्यता मिळणेबाबत प्रस्ताव सादर करण्यात आला होता.

२. सदर प्रकरणी कळविण्यात येते की, श्री. हिरमुखे, उपसंचालक यांचा दि.२३/६/२०१५ ते दि.१७/४/२०१६ पर्यंत एकूण ३०० दिवसांचा कालावधी हा दि.२४/०१/२०१८ रोजीच्या शासन आदेशान्वये रजा मंजूर करण्यात आली आहे. सदरचा कालावधी हा त्यांच्या खाती शिल्लक असलेल्या देय/अनुज्ञेय रजेमधून मंजूर करण्याबाबत शासन स्तरावरून केलेली कार्यवाही योग्य आहे. यास शासनाची मान्यता घेण्यात आली आहे.

३. तरी, श्री.विद्यासागर माणिकराव हिरमुखे, उपसंचालक यांना दि.२३/६/२०१५ ते दि.१७/४/२०१६ पर्यंत एकूण ३०० दिवसांची शासनाने मंजूर केलेली रजा ही कार्यवाही योग्य असल्याचे संचालनालय स्तरावरून कळविण्यात यावे. ही विनंती.

आपली,

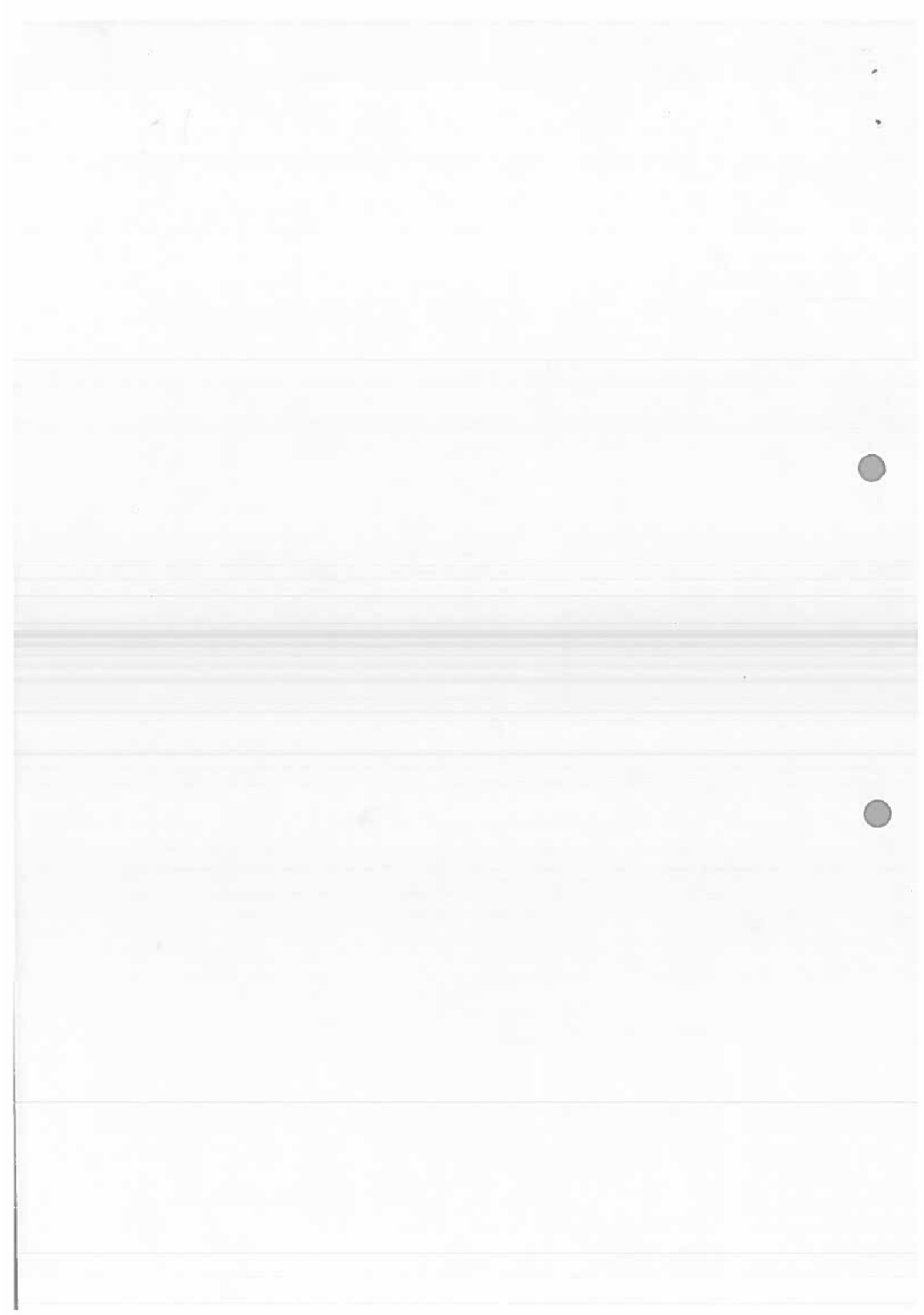
(१८८)

(माधवी गांधी)

अवर सचिव, वित्त विभाग,

प्रत-

कार्यासन कोषा प्रशा-२. संग्रहाथ.

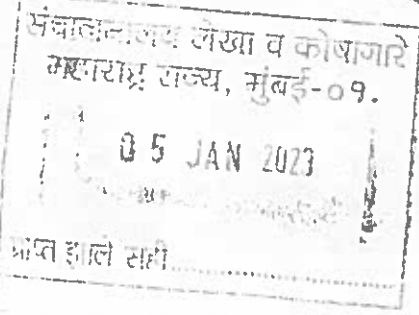


क्रमांक : सुलेको-२०१८/प्र.क्र.०९/कोपा प्रशा-२

वित्त विभाग, मादाम कामा मार्ग,
हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई ४०० ०३२.
दिनांक : ०४ जानेवारी, २०२३.

प्रति,

संचालक,
लेखा व कोषागारे संचालनालय
महाराष्ट्र राज्य, मुंबई.



विषय : दि.२३.६.२०१५ ते दि.१७.४.२०१६ हा कालावधी प्रतिकाधीन कालावधी
समजण्यात येवून गान्यता मिळणेबाबत,
श्री.विद्यासागर मा.हिरमुखे, उपसंचालक
संदर्भ : १) आपले क्र.सुलेको/प्रशा राप/का-६/वि.मा.हिरमुखे/
०५.२०१७/६३७/२४०२ दि.२५/०५/२०१७,
२) आपल्या कार्यालयाचे दि.३०/०४/२०२१ रोजीचे पत्र,
३) श्री.विद्यासागर मा.हिरमुखे, उपसंचालक यांचे दि.०७/१२/२०२०
रोजीचे निवेदन,
४) समक्रमांकाचे दि.२४/०१/२०१८ रोजीचे कार्यालयीन आदेश,
५) समक्रमांकाचे दि.२२/०१/२०२० रोजीचे शासन पत्र,

महोदय,

उपरोक्त संदर्भ क्र.१ च्या पत्रान्वये श्री.हिरमुखे यांच्या संदर्भ क्र.२ च्या निवेदनाच्या अनुषंगाने
दि.२३/६/२०१५ ते दि.१७/४/२०१६ हा मंजूर रजा कालावधी हा प्रतिकाधीन कालावधी म्हणून मंजूर
करणेबाबत शासनस्तरावर निर्णय घेणेसाठी प्रस्ताव सादर केला आहे.

२. यानुषंगाने मला आपणांस असे कळविण्याचे आदेश आहेत कि, आपल्या संदर्भाधीन पत्रांच्या
अनुषंगाने श्री हिरमुखे हे प्रत्यक्षात संचालनालयात हजर झाले नसल्याने त्यांना संदर्भाधीन
दि.२४/०१/२०१८ च्या कार्यालयीन आदेशान्वये दि.२३/६/२०१५ ते दि.१७/४/२०१६ पर्यंत एकूण ३००
दिवसांची रजा मंजूर केलेली आहे. सदर रजेचा कालावधी हा प्रतिकाधीन कालावधी म्हणून मंजूर
करता येणार नाही, असा शासन स्तरावर निर्णय झालेला आहे. तरी, सदर बाब श्री.हिरमुखे यांना
आपले स्तरावरून कळविण्यात यावी. ही विनंती.

आपला,

(ता.र.पवार)

अवर सचिव, महाराष्ट्र शासन.

प्रति,

कार्यालय कोपा प्रशा-२, संग्रहार्थ.



Exh-B

21

महाराष्ट्र वित्त व लेखा सेवा उपसंचालक
संवर्गातील अधिकारी यांच्या प्रशासकिय
बदलीबाबत

महाराष्ट्र शासन
वित्त विभाग

शासन आदेश :- संलेको २०१४/प्र.क्र.१०४/कोषा-प्रशा-२

मंत्रालय, मुंबई-४०००३२, दिनांक- १७ जून, २०१४.

शासन आदेश :- महाराष्ट्र वित्त व लेखा सेवा उपसंचालक संवर्गातील आणि वेतन बँड रुपये १५६००-३११०० अधिक ग्रेड वेतन रु.६६००/- या वेतनश्रेणीतील खालील विवरणपत्रात नमूद उपसंचालक यांची महाराष्ट्र शासकिय कर्मच्या-यांच्या बदल्यांचे विनियमन आणि शासकिय कर्तव्ये पार पाडताना होणा-या विलंबास प्रतिबंध अधिनियम, २००५ मधील तरतूदीनुसार खालील विवरणपत्रातील स्तंभ क्र. ४ मध्ये नमूद पदावर प्रशासकिय कारणास्तव बदली करण्यात येत आहे

अ.क्र.	अधिका-यांचे नाव	सध्याचे कार्यरत पद	बदली झालेले पद व कार्यालय
१	२	३	४
१	श्री. विद्यासागर माणिकराव हिरमुखे	उपसंचालक (वित्त व लेखा), राष्ट्रीय ग्रामीण आरोग्य अभियान प्रकल्प, मुंबई	उपसंचालक (वित्त), महासंचालक लाचलुचपत प्रतिबंधक विभाग यांचे कार्यालय, वरळी, मुंबई

२. वरीलप्रमाणे बदली झालेल्या अधिका-यांनी त्यांच्या नियंत्रक अधिका-यांच्या सल्याने सध्याच्या पदावरून कार्यमुक्त व्हावे आणि बदली झालेल्या पदावर रुजू व्हावे. बदलीच्या ठिकाणी हजर होताच शासनास तसेच संचालक, लेखा व कोषागारे संचालनालय, मुंबई यांना अवगत करावे.

३. हे आदेश तात्काळ अंमलात येतील.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(र. आ. नागरगजि)

अवर सचिव, वित्त विभाग.

प्रति,

संचालक, लेखा व कोषागारे संचालनालय, मुंबई

महालेखापाल-१ (लेखा व अनुज्ञेयता/ लेखा परीक्षा) महाराष्ट्र, मुंबई*

संबंधित अधिका-यांचे सध्याचे कार्यालय प्रमुख.*

संबंधित अधिका-यांचे बदली झालेल्या कार्यालयाचे प्रमुख.*

संबंधित अधिकारी *

मा.उपमुख्यमंत्री / मा. राज्यमंत्री (वित्त) यांचे खाजगी सचिव, मंत्रालय, मुंबई.

निवड नस्ती कोषा प्रशा-१/२ वित्त विभाग, मंत्रालय, मुंबई.

(* संचालक, ले. व को. संचालनालय, मुंबई, यांचे मार्फत)

क्र. विलेले-२०१४/क्र. २/ प्रशा-राजप/४७१११

५-६



1/2

See also 24

1298

Exh-C

22

 आयुक्त, कुटुंब कल्याण व संचालक, राष्ट्रीय आरोग्य अभियान सार्वजनिक आरोग्य विभाग, महाराष्ट्र शासन यांचे कार्यालय		
दुर्ध्वनी - ०२२ - २२६४००६३/६५ ०२२ - २२७१७५०० फॅक्स - ०२२ २२६४२९५५ E-mail - mdrnhm.mumbai@gmail.com	आरोग्य भवन, ३रा मजला, सेंट जॉर्ज कॉम्प्लेक्स आचार, पी. डिमेलो रोड, सीएसटी जवळ, फोर्ट, मुंबई ४०० ००१ - ९६९९-९८	


आदेश क्र.राआसो/आस्था/श्री. हिरमुखे/उपसंचालक (वि.व ले.)/कार्यमुक्त/१४
 दिनांक :- २१/०६/२०१४

विषय :- श्री. विद्यासागर माणिकराव हिरमुखे, उपसंचालक (वित्त व लेखा),
 राष्ट्रीय ग्रामीण आरोग्य अभियान, मुंबई यांना कार्यमुक्त करणेबाबत.

संदर्भ :- महाराष्ट्र शासन, वित्त विभाग, शासन निर्णय क्र. संलेको २०१४/
 प्र.क्र.१०४/कोषा-प्रशा-२, दि. १७ जुन, २०१४.

उपरोक्त संदर्भित शासन निर्णयानुसार श्री. विद्यासागर माणिकराव हिरमुखे, उपसंचालक (वित्त व लेखा), राष्ट्रीय ग्रामीण आरोग्य अभियान, मुंबई यांची उपसंचालक (वित्त), महासंचालक लाचलुचपत प्रतिबंधक विभाग यांचे कार्यालय, वरळी, मुंबई या पदावर पदस्थापना करण्यात आली आहे. त्यानुसार त्यांना सदर पदावर रुजू होण्यासाठी आज दि. २१/०६/२०१४ रोजी (म.न.) कार्यमुक्त करण्यात येत आहे.

श्री. विद्यासागर माणिकराव हिरमुखे, उपसंचालक (वित्त व लेखा), राष्ट्रीय ग्रामीण आरोग्य अभियान, मुंबई यांनी त्यांच्या पदाचा कार्यभार श्री. श्री. चु. श्रीरंगम सहसंचालक, आरोग्य सेवा (अर्थ व प्रशासन), मुंबई यांना सोपवावा.


 आयुक्त (कु.क.) व संचालक,
 राष्ट्रीय आरोग्य अभियान,
 मुंबई, महाराष्ट्र

प्रति,

✓ श्री. विद्यासागर माणिकराव हिरमुखे,
 उपसंचालक (वित्त व लेखा),
 राष्ट्रीय ग्रामीण आरोग्य अभियान, मुंबई.

प्रत - श्री. श्री. चु. श्रीरंगम सहसंचालक, आरोग्य सेवा (अर्थ व प्रशासन), मुंबई

२/- त्यांना सुचित करण्यात येते की, वरीलप्रमाणे श्री. वि. मा. हिरमुखे यांचेकडून उपसंचालक (वित्त व लेखा) या पदाचा अतिरिक्त कार्यभार स्विकारवा व तसा भहवात गत संबंधितांना सादर करावा.

प्रत सादर:-

- १) मा. प्रधान सचिव, सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई-३२.
- २) मा. प्रधान सचिव, वित्त विभाग, मंत्रालय, मुंबई-३२.

प्रत माहितीस्तव अग्रेषित :-

- १) महासंचालक लाचलुचपत प्रतिबंधक विभाग, वरळी, मुंबई
- २) संचालक, लेखा व कोषागरे, मुंबई
- ३) संचालक, आरोग्य सेवा, मुंबई.
- ४) अधिदान व लेखा अधिकारी, मुंबई

निरोगी गाव, निरोगी देश





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अराजपतित अधिकाऱ्यांचे कार्यभार हस्तांतरण प्रमाणपत्र

क्रमांक

दिनांक : 29-06-2018

प्रति,

अभ्यास संचालक, अभ्यासपत्र

प्रतिबंधित विभाग

वकील मुंबई.

महोदय,

आम्ही खाली सही करणार, आपणास अहं कळवितो की, आम्ही कार्यभार अनुक्रमे हस्तांतरित केलेला आहे व स्वीकारलेला आहे.

२. कार्यभाराचे हस्तांतरण दिनांक 29-06-2018 रोजी मध्यहपूर्व/मध्याह्नोत्तर सुरु झाले व दिनांक 29/06/18 रोजी मध्यहपूर्व/मध्याह्नोत्तर संपले.

उपस्थित (सही व छेदना)

पदमुक्त अधिकाऱ्याची सही

आपले,

दिनांक

पदभोचक अधिकाऱ्याची सही

या कार्यालयातील बदलीसंबंधीचे प्रतिवेदन अग्रेषित. [दिनांक
च्या संदर्भात शासनाकडे पाठविण्याकरिता.]

क्रमांक

कार्यभार हस्तांतरण पूर्ण करण्यास लागलेला कालावधी हा अत्याधिक नव्हता /

दिवसांनी अत्याधिक

कायला (पदमुक्त) पदभोचक व सही
आयुक्त (मुंबई)
अभ्यास संचालक (राग्राआअ)
मध्यहपूर्व

24

वे. नं. मु. - 2, 00, 000-4-83-प्रा. ४४- (एच) 30
मा. प., मा. मा. ति. नं. ओफ ओप ओम्-1009/4043/2042/प/1,
दि. 10-6-1984.]

सर्वना. २१ प.
Gen. 93 m

(मा. मा. वि. १३ त. १४ पत्र)

राजपत्रित अधिकाऱ्यांचे कार्यभार हस्तांतरण प्रमाणपत्र

मुख्यालय मुंबई आरोग्य सोसायटी, मुंबई दिनांक 29-06-2008 पदस्थ/पूर्व/मध्याह्नोत्तर
पद उप-संचालक (वित्त) व लेखा
कार्यभाराचे हस्तांतरण ज्या अन्वये केले तो आदेश मा. मा. वि. नं. १००९/४०४३/२०४२/प/१
वर्ग १००९/२०४२/२०४२ दि. 29-06-2008
इस्तान्तरित केलेले स्थायी अभिप्रेत.

पदमुक्त अधिकारी

- नाव व आद्याक्षरे (ठळक अक्षरात) श्री. विद्यासागर शाणिकराव हेरमूखे, उप-संचालक (वित्त)
- (एक) रजेवर जात असल्यास-
(अ) रजेचा कालावधी
(ब) रजेच्या कालावधीतील पत्ता
(क) जेथून रजावेतन घ्यावयाचे आहे ते ठिकाण
(दोन) सेवानिवृत्त होत असल्यास किंवा निवृत्तीपूर्व रजेवर जात असल्यास आणि पविष्यनिर्वाह निधीची रक्कम तत्काळ काढावयाचे प्रस्तावित केलेले असल्यास, पविष्यनिर्वाह निधीची रक्कम काढण्याचा अर्ज मंडालेखापालांकडे पाठविला आहे काय ?
किंवा
(तीन) बदली झाली असल्यास, जेथे बदली झाली ते-
(अ) पद उप-संचालक (वित्त) मंडळ आणि (ब) ठिकाण मुंबई सोसायटी कायदेपुस्तक-प्रति
३. सही-
४. इतर कर्तव्ये सांभाळून केवळ अतिरिक्त कार्यभार धारण करीत असल्यास अधिकृत पदनाम

पदमोचक अधिकारी

- नाव व आद्याक्षरे (ठळक अक्षरात) श्री. श्री. च. श्रीरंगम (उप-संचालक, आरोग्य सेवा (अर्थ व वित्त) मुंबई)
- (एक) रजेवरून परत येत आहेत काय ?
(दोन) असल्यास, पदनिवृत्तीचा आदेश जेथे मिळाला ते ठिकाण
(तीन) नसल्यास जेथून बदली झाली ते-
(अ) पद आणि (ब) ठिकाण
(क) पूर्वीच्या ठिकाणाहून कार्यमुक्त झाल्याचा दिनांक पदस्थ/पूर्व/मध्याह्नोत्तर.
७. सही-
८. इतर कर्तव्ये सांभाळून केवळ अतिरिक्त कार्यभार धारण करीत असल्यास-
(अ) पदमोचक अधिकाऱ्याचे अधिकृत पदनाम सहसंचालक, आरोग्य सेवा (अर्थ व वित्त) मुंबई
(ब) नाव असल्यास, पदनिवृत्त अधिकाऱ्याचे नाव श्री. श्री. च. श्रीरंगम

कमांक-

प्रत नोंदली व आवश्यक त्या कार्यासाठी

(१) अधिदान व ज्ञा अधिकारी, म. मा. मुंबई/वरिष्ठ उप-कोषागार अधिकारी,

आयुक्त (वित्त) व

प्रति,

प्रधान सचिव,
वित्त विभाग, (वित्तीय सुधारणा),
वित्त विभाग (लेखा व कोषागरे),
महाराष्ट्र शासन, मंत्रालय,
मुंबई - ३२.

25

क्र. अकब्यु/आ-३/नियुक्ती/उपसंचालक/२०१४/ 10465

मुंबई, दिनांक : २/६/२०१४

- संदर्भ :- १) शासन आदेश क्र: संलको २०१४/प्र.क्र. १०४/कोषा-प्रशा-२
दि. १७/६/२०१४
२) आयुक्त, कुटुंब कल्याण व संचालक, राष्ट्रीय आरोग्य अभियान यांचे
आदेश जा.क्र. राआसो/आस्था/श्री. हिरमुखे/उपसंचालक(वि.व.ले.)/
कार्यमुक्त/१४, दि. २१/६/२०१४

विषय :- नियुक्तीबाबत.
श्री. विद्यासागर माणिकराव हिरमुखे.

शासन वित्त विभाग यांचे संदर्भ क्रमांक १ चे आदेशान्वये श्री विद्यासागर माणिकराव हिरमुखे,
उपसंचालक(वित्त व लेखा) राष्ट्रीय ग्रामीण आरोग्य अभियान, मुंबई यांची उपसंचालक(लेखा) पदी अंती करणान
व्युरो, म. राज्य, मुंबई येथे बदली झाल्याने ते दिनांक २३/०६/२०१४(म.पु) पासून हजर झाले असून त्यांनी
उपसंचालक (लेखा) पदाचा कार्यभार स्विकारला आहे.

(श्री डी भोईटे)

अण्ण पोलीस अधीक्षक, प

महासंचालक, अंती करणान व्युरो,

महाराष्ट्र राज्य, मुंबई यांचेकरिता

प्रत,

श्री विद्यासागर माणिकराव हिरमुखे, उपसंचालक(लेखा)

प्रत सादर,

अधिदान व लेखा अधिकारी, मुंबई

संचालक, लेखा व कोषागरे, मुंबई

पोलीस महासंचालक, महाराष्ट्र राज्य, मुंबई

आयुक्त, कुटुंब कल्याण व संचालक, राष्ट्रीय आरोग्य अभियान मुंबई

प्रत,

वेतन देयक लिपीक, अ. क व्युरो, म. राज्य, मुंबई
स्था आ फाईल



Exl-D




प्र. रा.म./गृह(श.), न.व.रा.प्र., व. न्या., रा.का./
व्हीआयपी/ 585

राज्यमंत्री

गृह (शहरे), नगरविकास,
सामान्य प्रशासन विभाग, विधी
व न्याय विभाग व संसदीय कार्य
महाराष्ट्र शासन
मंत्रालय, मुंबई ४०० ०३२
www.maharashtra.gov.in

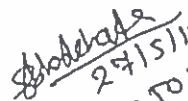
दिनांक : 22 MAY 2015

माझ्याकडे गृह विभागातील गृह (शहरे), तुरुंग व बंदरे या
महत्वाच्या व संवेदनशील विभागांचे कामकाज आहे. सदर विभागांबाबत
यापूर्वी झालेल्या तसेच येणाऱ्या अधिवेशनांतील विविध प्रलंबित
बाबी/आश्वासने, तारांकित/अतारांकित प्रश्नांचा निपटारा योग्य रितीने
होण्यासाठी, आपल्या आस्थापनेवरील कार्यरत असलेले श्री.विद्यासागर
मा. हिरमुखे (उपसंचालक- वित्त) यांच्या सेवा त्यांचे आपल्या कार्यालयातील
नियमित कामकाज सांभाळून आठवडयातून काही दिवस माझ्या
कार्यालयात तात्काळ उपलब्ध करून देण्यात याव्यात.


(डॉ.रणजित पाटील)

प्रति,
महासंचालक
लाचलुचपत प्रतिबंधक विभाग,
महाराष्ट्र राज्य, वरळी, मुंबई

प्रत :- श्री.विद्यासागर मा. हिरमुखे (उपसंचालक- वित्त) मुंबई


27/5/15
Steno TO D.G., ACB.
P. A. TO, D. G.
ACB, MG, Mumbai

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Exh-E

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क्र. रा.मं./गृह(श.) न.वि. शा.प्र.वि. व न्या. रा. का./
जनरल/ 2083



राज्यमंत्री

गृह (शहरे), नगरविकास
सामान्य प्रशासन विभाग, विधी
व न्याय विभाग व संसदीय कार्य,
माजी सैनिकांचे कल्याण, बंदरे,
कौशल्य विकास आणि उद्योजकता
यांचे कार्यालय
महाराष्ट्र शासन
मंत्रालय, मुंबई ४०० ०३२
www.maharashtra.gov.in
दिनांक : 17 JUN 2015

मा.राज्यमंत्री महोदयांकडील गृह विभागाचे कामकाज पहाण्यासाठी आपल्या आस्थापनेवरील कार्यरत असलेले श्री.विद्यासागर मा.हिरमुखे (उपसंचालक- वित्त) यांच्या सेवा आपल्या कार्यालयातील नियमित कामकाज सांभाळून आठवड्यातील काही दिवस मा.राज्यमंत्री कार्यालयात उपलब्ध करून देण्याबाबतचे पत्र या कार्यालयाकडून आपणास पाठविण्यात आले होते.

तथापी, प्रशासकीय कारणास्तव, बुधवार दिनांक १७ जून, २०१५ (म.नं) पासून त्यांच्या मुळ विभागात प्रत्यावर्तीत करण्याबाबत मा.राज्यमंत्री महोदयांचे निर्देश आहेत.

तरी, त्यांच्या सेवा मुळ विभागात प्रत्यावर्तीत करण्याबाबत संबंधितांना योग्य ते निर्देश व्हावेत ही विनंती.

अंमलदार
प्रतिबंधक विभाग वरळी मुंबई
लाचलुचपत प्रतिबंधक विभाग, वरळी मुंबई
३४९
३४९

लाचलुचपत प्रतिबंधक विभाग,
महाराष्ट्र राज्य, वरळी, मुंबई

(दिपक कासार)
खाजगी सचिव

T-6

15-10-2015



आदेश

राज्यमंत्री गृह(शहरे), नगरविकास यामान्य प्रशासन विभाग, महाराष्ट्र शासन मंत्रालय, मुंबई यांचे क्र. सम/गृह(श.), न.वि. सा.प्र. वि. न्या. स.का. जनरल २०१५/१७/६/२०१५ चे अर्ध शासकीय पत्रान्वये श्री विद्यासागर मा. हिरमुखे, (उपसंचालक-वित्त), अ.क.ब्युरो, म. राज्य, मुंबई यांना प्रशासकीय कारणास्तव दि. २२/६/२०१५ (म.न.) पासून त्यांच्या मुळ विभाग संचालक लेखा व कोषागारे, मुंबई येथे प्रत्यार्पित करण्यात येत आहे त्यांच्या नैमित्तिक रजेच्या खाती ७ दिवस रजा शिल्लक आहे.

२०/६/१५

(रजनिश सेट)

अपर महासंचालक,

अॅन्टी करप्शन ब्युरो, म.राज्य, मुंबई

प्रति,

✓ श्री विद्यासागर मा. हिरमुखे, (उपसंचालक-वित्त), अॅ.क.ब्युरो, म. राज्य, मुंबई
प्रत सन्नेह अग्रेषित,

॥ संचालनालय लेखा व कोषागारे, मुंबई
मा प्रधान सचिव, वित्त विभाग, मंत्रालय, मुंबई-३२
अधिदान व लेखा अधिकारी, मुंबई

प्रत.माहितीस्तव व पुढील कार्यवाहीसाठी,

मा श्री डॉ रणजीत पाटील (राज्य मंत्री) गृह (श), न. वि. सा.प्र. न्या.स.का.
मंत्रालय, मुंबई-३२

प्रत,

वेतन देयक लिपीक, अॅ.क.ब्युरो, म.राज्य, मुंबई
स्थाई आदेशाची फाईल



EXL-F

29

विद्यासागर माणिकराव हिरमुखे
उप संचालक, वर्ग-१
वित्त विभाग, महाराष्ट्र शासन,
दिनांक- 23/06/2015

प्रति,

मा.संचालक,
लेखा व कोषागारे संचालनालय,
मुंबई

विषय- कर्तव्यावर रुजू करून घेण्याबाबत...

संदर्भ- अॅकब्यु/आ-३/प्रशासकीयकारणास्तवबदली/२०१५/८०४२
दि.२२ जून, २०१५

आदरणीय महोदय,

मी विद्यासागर मा.हिरमुखे, उप संचालक (वित्त) आपणास विनंतीपूर्वक अर्ज करतो की, माझी ताचतुचपत प्रतिबंधक विभाग, महाराष्ट्र राज्य येथे नियुक्ती असून उपरोक्त संदर्भाधिन पत्राचे अनुषंगाने मला ताचतुचपत प्रतिबंधक विभागाकडून दि.२२/०६/२०१५ (म.नं.) मुळ विभागात म्हणजेच लेखा व कोषागारे, मुंबई येथे प्रत्यार्पित करण्यात आलेले आहे.

सबब, मी मंगळवार, दि.२३/०६/२०१५ (म.पू.) पासून लेखा व कोषागारे, मुंबई येथे कर्तव्यावर रुजू होत आहे. कृपया मला रुजू करून घेण्यात यावे. अशी आपणास नामपूर्वक विनंती आहे.

मा.संचालक, मुंबई-२१

23 JUN 2015

आपला कृपाशिलाशी

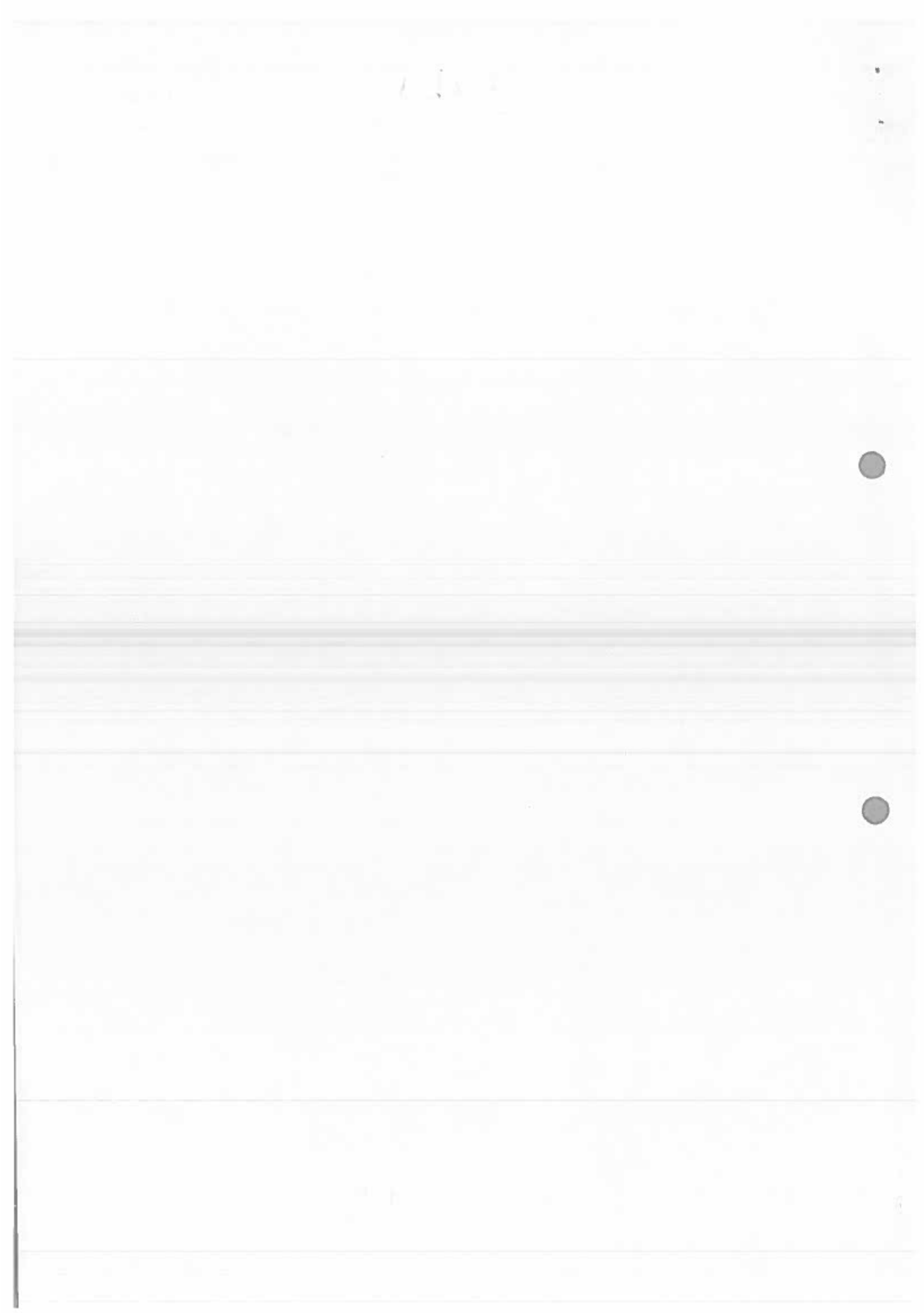
o/c (विद्यासागर हिरमुखे)

मला सही...
मुंबई-२१

प्रत- माहिती व आवश्यक पुढील कार्यवाहीसाठी

१. मा.सचिव (लेखा व कोषागारे), वित्त विभाग, मंत्रालय, मुंबई
२. मा.अवर सचिव (लेखा व कोषागारे), वित्त विभाग, मंत्रालय, मुंबई

T.C
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विद्यासागर माणिकराव हिरमुखे
उप संचालक. वर्ग-१
वित्त विभाग, महाराष्ट्र शासन.
दिनांक- २३/०६/२०१७

प्रति,

मा.संचालक,
लेखा व कोषागारे संचालनालय,
मुंबई

विषय- कर्तव्यावर रुजू करून घेण्याबाबत...

संदर्भ- अॅकब्यु/आ-३/प्रशासकीयकारणारस्तवबदली/२०१७/८०४२
दि.२२ जून, २०१७

आदरणीय महोदय,

मी विद्यासागर मा.हिरमुखे, उप संचालक (वित्त) आपणास विनंतीपूर्वक अर्ज करतो की, माझी ताचलुचपत प्रतिबंधक विभाग, महाराष्ट्र राज्य येथे नियुक्ती असून उपरोक्त संदर्भाधिन पत्राचे अनुषंगाने मला ताचलुचपत प्रतिबंधक विभागाकडून दि.२२/०६/२०१७ (म.नं.) मुळ विभागात म्हणजेच लेखा व कोषागारे, मुंबई येथे प्रत्यार्पित करण्यात आलेले आहे.

सबब, मी मंगळवार, दि.२३/०६/२०१७ (म.पू.) पासून लेखा व कोषागारे, मुंबई येथे कर्तव्यावर रुजू होत आहे. कृपया मला रुजू करून घेण्यात यावे, अशी आपणास नम्रपूर्वक विनंती आहे.

आपला कृपाभिलाषी,

(विद्यासागर हिरमुखे)

प्रत- माहिती व आवश्यक पुढील कार्यवाहीसाठी

१. मा.अपर मुख्य सचिव (वित्त), वित्त विभाग, मंत्रालय, मुंबई

मा.अवर सचिव (लेखा व कोषागारे), वित्त विभाग, मंत्रालय, मुंबई

२०० ०३०



विद्यासागर माणिकराव हिरमुखे
उप संचालक, (वित्त व लेखा)
वित्त विभाग, महाराष्ट्र शासन.
दिनांक- २७/०१/२०१६

प्रति,

मा.सचिव (लेखा व कोषागारे),
वित्त विभाग, मंत्रालय,

१३/११/२०१६
भावक लिपित
वित्त विभाग (नॉंदनीखाखी)
मुंबई

विषय- प्रतिक्षेच्या नियुक्तीत असल्याने नियुक्ती मिळणेबाबत...
संदर्भ- १) अॅकब्यु/आ-३/प्रशासकीयकारणास्तवबटली/२०१५/८०४२
दि.२२ जून, २०१५
२) कर्तव्यावर रुजू करून घेण्याबाबतचा दि.२३/०६/२०१५
रोजीचा विनंती अर्ज.
३) मा.मंत्री (महसूल) यांचे दि. २/१२/२०१५ रोजीचे पत्र.

आदरणीय महोदय,

मी विद्यासागर मा.हिरमुखे, उप संचालक (वित्त व लेखा) आपणास विनंतीपूर्वक अर्ज करतो की. मला संदर्भाधिन पत्र क्र. १ चे अनुषंगाने ताचलुचपत प्रतिबंधक विभागाकडून दि.२२ ०६ २०१५ (म नं.) मुळ विभागात म्हणजेच लेखा व कोषागारे संचालनालय, मुंबई येथे प्रत्यार्पित करण्यात आलेले आहे.

संदर्भाधिन पत्र क्र. २ नुसार मी कर्तव्यावर रुजू होत असल्याबाबतचा विनंती अर्ज दि.२३/०६/२०१५ रोजी संचालनालय कार्यालयात सादर करून रुजू झालेलो आहे. तथापि, अद्याप नियुक्ती न झाल्याने संदर्भाधिन पत्र क्र. ३ अन्वये मा.मंत्री (महसूल) व पदुम महोदयांनी मला महानंद डेअरी येथे महाव्यवस्थापक / उपमहाव्यवस्थापक (वित्त व लेखा) येथे नियुक्ती देणेबाबत शिफारस केलेली आहे.

मला अद्यापपर्यंत नियुक्ती मिळालेली नसल्याने, मला संदर्भ क्र. ३ अनुषंगाने उक्त पदी तात्काळ नियुक्ती मिळावी, अशी आपणास नम्रपूर्वक विनंती आहे.

आपला कृपाभित्तापी

(विद्यासागर हिरमुखे)

प्रत- माहिती व आवश्यक पुढील कार्यवाहीसाठी

१. मा.संचालक, लेखा व कोषागारे संचालनालय, मुंबई-३२
२. मा.अवर सचिव (लेखा व कोषागारे), वित्त विभाग, मंत्रालय, मुंबई-३२

५-८
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विद्यासागर माणिकराव हिरमुखे
उप संचालक, (वित्त व लेखा)
वित्त विभाग, महाराष्ट्र शासन.
दिनांक- २७/०१/२०१६

प्रति,

मा.संचालक,
लेखा व कोषागारे संचालनालय,
मुंबई

विषय- प्रतिक्षेच्या नियुक्तीत असल्याने नियुक्ती मिळणेबाबत...

संदर्भ- १) अॅकब्यु/आ-३/प्रशासकीयकारणास्तवबटली/२०१५/८०४२

दि.२२ जून, २०१५

२) कर्तव्यावर रुजू करून घेण्याबाबतचा दि.२३/०६/२०१५
रोजीचा विनंती अर्ज.

३) मा.मंत्री (महसूल) यांचे दि. २/१२/२०१५ रोजीचे पत्र.

आदरणीय महोदय,

मी विद्यासागर मा.हिरमुखे, उप संचालक (वित्त व लेखा) आपणास विनंतीपूर्वक अर्ज करतो की. मला संदर्भाधिन पत्र क्र. १ चे अनुषंगाने ताचलुचपत प्रतिबंधक विभागाकडून दि.२२ ०६ २०१५ (म.नं.) मुळ विभागात म्हणजेच लेखा व कोषागारे संचालनालय, मुंबई येथे प्रत्यार्पित करण्यात आलेले आहे.

संदर्भाधिन पत्र क्र. २ नुसार मी कर्तव्यावर रुजू होत असल्याबाबतचा विनंती अर्ज दि.२३/०६/२०१५ रोजी संचालनालय कार्यालयात सादर करून रुजू झालेलो आहे. तथापि, अद्याप नियुक्ती न झाल्याने संदर्भाधिन पत्र क्र. ३ अन्वये मा.मंत्री (महसूल) व पदुम महोदयांनी मला महानंद डेअरी येथे महाव्यवस्थापक / उपमहाव्यवस्थापक (वित्त व लेखा) येथे नियुक्ती देणेबाबत शिफारस केलेली आहे.

मला अद्यापपर्यंत नियुक्ती मिळालेली नसल्याने, मला संदर्भ क्र. ३ अनुषंगाने उक्त पदी तात्काळ नियुक्ती मिळावी, अशी आपणास नम्रपूर्वक विनंती आहे.

आपला कृपाभिलाषी

(विद्यासागर हिरमुखे)

प्रत- माहिती व आवश्यक पुढील कार्यवाहीसाठी

१. मा.सचिव (लेखा व कोषागारे), वित्त विभाग, मंत्रालय, मुंबई-३२

२. मा.अवर सचिव (लेखा व कोषागारे), वित्त विभाग, मंत्रालय, मुंबई-३२

महाराष्ट्र राज्य, मुंबई-२१

27 JAN 2016

सचिव

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Exh-H

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महाराष्ट्र शासन
वित्त विभाग

संचालनालय, लेखा व कोषागारे,
मुंबई पोर्ट ट्रस्ट, ठाकरशी हाऊस, तिसरा मजला,
शुरजी वल्लभदास मार्ग, बेलार्ड इस्टेट, मुंबई ४०० ००९.

दुरध्वनी क्रमांक ०२२-२२६२२०२९/३६

ईमेल आयडी-ad.admin@mahakosh.in

क्र. सलेको/प्रशा राप/का.६/वि.मा. हिरमुखे/०५.२०१७/६३६/२५०२

दि.

25 MAY 2017

सह सचिव,
वित्त विभाग, प्रशा कोशा-१
मंत्रालय, मुंबई.

विषय : प्रतिकाधिन कालावधीतील वेतन अदा करण्याबाबत.

श्री. वि. मा. हिरमुखे, उपसंचालक संवर्ग

संदर्भ : १. श्री. वि. मा. हिरमुखे, उपसंचालक यांचा दि. २०.०४.२०१६ रोजीचा अर्ज.

२. या संचालनालयाचे पत्र क्र. संलेको १२.२०१७/प्रशा राप/का.६/प्रमाणपत्र/
वि.मा. हिरमुखे/०३-२०१७. दि. ०९.०३.२०१७ रोजीचे पत्र.

महोदय,

उपरोक्त विषयाच्या अनुषंगाने सादर करण्यात येते की, महाराष्ट्र वित्त व लेखा रांवा. उपसंचालक संदर्गातील श्री. वि. मा. हिरमुखे, उपसंचालक (वित्त), अॅन्टी करप्शन ब्यूरो, महाराष्ट्र राज्य. मुंबई या पदावर कार्यरत असतांना दि. २२.०६.२०१५ रोजीच्या आदेशान्वये दि. २२.०६.२०१५ पासून मुळ विभागात संचालनालय, लेखा व कोषागारे, महाराष्ट्र राज्य, मुंबई येथे प्रत्यार्पित करण्यात आली होती.

शासन वित्त विभाग परिपत्रक दि. २०.२०.२००८ च्या तरतुदीनुसार श्री. हिरमुखे हे दि. २३.०६.२०१५ रोजी संचालनालय, लेखा व कोषागारे, महाराष्ट्र राज्य, मुंबई येथे रुजू होणे आवश्यक होते, परंतु श्री. हिरमुखे यांनी दि. २३.०६.२०१५ रोजी रुजू अहवाल संचालनालयातील नोंदणी शाखेत दिला परंतु ते प्रत्यक्षात संचालनालयात रुजू झाले नाहीत.

दि. १३.०४.२०१६ अन्वये श्री. हिरमुखे यांना महाव्यवस्थापक (वित्त व लेखा) महानंद, मुंबई या पदावर पदस्थापना देण्यात आली व त्यानुसार श्री. हिरमुखे दि. १८.०४.२०१६ रोजी पदस्थापनेच्या पदावर रुजू झाले

श्री. हिरमुखे यांनी दि. २३.०६.२०१५ ते दि. १७.०४.२०१६ पर्यंत एकूण ३०० दिवस प्रतिकाधिन कालावधी मंजूर करण्याची विनंती केली आहे. परंतु श्री. हिरमुखे हे संचालनालयात रुजू झाले नसल्यामुळे त्याचा दि. २३.०६.२०१५ ते दि. १७.०४.२०१६ पर्यंत ३०० दिवस हा कालावधी हा त्यांच्या खाती शिल्लक असलेल्या देय अनुज्ञेय रजेमधून मंजूर करून नियमित करणे आवश्यक आहे.

श्री. हिरमुखे यांच्या रजा खाती दि. ३०.०६.२०१५ अखेर २७२ दिवस अर्जित रजा व १९९ दिवस अर्धवेतनी रजा शिल्लक आहे. त्याअनुषंगाने श्री. हिरमुखे यांची खालीलप्रमाणे रजा मंजूर करण्याचे प्रस्तावित करण्यात येत आहे.

अ.क्र.	रजेचा कालावधी	रजेचा प्रकार
१	दि. २३.०६.२०१५ ते दि. २०.०३.२०१६ एकूण २७२ दिवस	अर्जित रजा
२	दि. २१.०३.२०१६ ते दि. १७.०४.२०१६ एकूण २८ दिवस	अर्धवेतनी रजा

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श्री. हिरमुख हे महानंद, मुंबई येथे प्रतिनिधुक्तीच्या पदावर कार्यरत असल्याने श्री. हिरमुख यांची दि. २३.०६.२०१५ ते दि. १७.०४.२०१६ पर्यंत या कालावधीची रजा मंजूर झाल्याची रजा रजा कालावधीतील देताना गते अदा करण्याकरिता लेखा अधिकारी, (रवना व कार्यपद्धती), लेखा व कोषागारे, महाराष्ट्र राज्य, मुंबई यांना प्राधिकृत करण्यात यावे, ही विनंती.

सोबत-

आपला

हस्ताक्षर

(बा.बा.थिटे)

सहसंचालक (कोषागारे)

संचालनालय, लेखा व कोषागारे, मुंबई

प्रत :

श्री. वि.मा. हिरमुखे, महाव्यवस्थापक (वित्त व लेखा), महानंद दुग्धशाळा, मोरेगांव (पूर्व) मुंबई ६५.

Exh-I

विद्यासागर माधिकाशय डिस्ट्रिक्ट
उप संचालक, वर्ग-१ (गितावीत)
वित्त विभाग, महाराष्ट्र शासन,
दिनांक २४/१२/२०१८

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प्रांते,

भा.संचालक,
लेखा व वसोपागारे संचालनालय,
मुंबई

विषय- दि.२३.०६.२०१५ ते दि. १७.०४.२०१६ हा कालावधी प्रतिक्षाधीन
कालावधी समाजण्यात येवून गाल्यता देण्याबाबत...

- संदर्भ- १. क्र.२ सतेको-२०१८/प्रक्र.९/कोषा प्रशा-२, दि.२४.०१.२०१८ ते आदेश
२. क्र. सतेको-२०१४/प्रक्र.१०४/कोषा प्रशा-२, दि.१७.०६.२०१४ ते आदेश
३. क्र. २आसो/आस्था/श्री. डिस्ट्रिक्ट/उपसंचालक(वित्त)/कार्यगुप्त/१४, दि.२१.०६.२०१४
४. अंतर्गत/आ-३/नियुक्ति/उपसंचालक/२०१४/१०४६९, दि.०२.०६/०७.२०१४
५. शम नृक्ष(श)/निराप्रवित्त्यासका/वहीआवधी/५८५, दि.२२ मे. २०१५
६. शम नृक्ष(श)/निराप्रवित्त्यासका/जनरल/२०८३, दि.१७ जून. २०१५
७. अंतर्गत/आ-३/प्रशासकीयकारणास्तवबदली/२०१५/८०४२, दि.२२ जून. २०१५
८. कर्तोव्यावर रुजू होण्याबाबत विभागाकडे सादर करण्यात आलेला रुजू अर्जात, दि. २३.०६.२०१५
९. मा.मंत्री (महशुल्क) यांचे दि. २.१२.२०१५ चे पत्र
१०. नियुक्ति मिळणेबाबत माझा दि.२७.०१.२०१६ चा अर्ज
११. शासन वित्त आदेश क्र. संविर्ण २०१५/प्र.क्र.२६२/कोषा प्रशा-२, दि.१३.०४.२०१६

आदेशातील महोदय.

मी विद्यासागर मा. डिस्ट्रिक्ट, उप संचालक, वर्ग-१ (गितावीत) आपणास विनंतीपूर्वक अर्ज करता मी.

उपरोक्त संदर्भ क्र. १ अन्वये वित्त विभाग, म.शासन यांचेकडे माझा दि.२३.०६.२०१५ ते दि.१७.०४.२०१६ असा एकूण ३०० दिवसांचा कालावधी अर्जित / परावर्तित रजा म्हणून मंजूर देण्याचे कयातीतील आदेश निर्गमित केलेले आहेत.

उपरोक्त आदेशाबाबत मी आपले शिक्षा वेधू इच्छितो....

संदर्भ क्र. २ चे वित्त विभागाचे आदेशान्वये माझी उपसंचालक (वित्त व लेखा) राष्ट्रीय ग्रामीण आरोग्य अभियान प्रकल्प, मुंबई येथून उपसंचालक (वित्त) महाराष्ट्राक, तात्कालिक प्रतिबंधक विभाग यांचे कालावधी वरती मजई येथे बदली दर्शविण्यात आली. संदर्भ क्र. ३ अन्वये मला दि.२१.०६.२०१४ मला उपसंचालक करण्यात आल्याने मी कार्यगुप्त होऊन उपसंचालक (वित्त) महाराष्ट्राक, तात्कालिक प्रतिबंधक विभाग यांच्याकडे वरती मुंबई येथे दि.२३.०६.२०१४ (म.पु.) रुजू आलो. (संदर्भ क्र. ४)

संदर्भ क्र. ५ चे पत्रान्वये मा.राज्यमंत्री, नृक्ष (शहरे) महोदयांनी माझ्या सेवा तात्कालिक प्रतिबंधक विभाग कयातीतयातील नियमित कामकाज सांभाळून आठवड्यातून काही दिवस उपलब्ध करून देण्याबाबत दि.२२.०५.२०१५ रोजी मा.महाराष्ट्राक, तात्कालिक प्रतिबंधक विभाग यांना सुचना दिल्याने मी तात्कालिक प्रतिबंधक विभाग कयातीतयातील नियमित कामकाज सांभाळून आठवड्यातून काही दिवस मा.राज्यमंत्री (शहरे) यांचे कयातीतया सेवा देत होतो.

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वर्गाध. प्रशासकीय कार्यालय संदर्भ क्र. ६ चे पत्रावधे दि. १७.०६.२०१५ (म.न.) पासून माझ्या येता गुळ विभागार्त प्रत्यावर्तीत करण्याबाबत निर्देश देण्यात आल्याने संदर्भ क्र. ७ चे पत्रावधे तात्काळ प्रतिवधक विभागाकडून मला दि. २२.०६.२०१५ (म.न.) गुळ विभागात म्हणजेच संचलनालय, लेखा व कोषागारे, गुंबई येथे प्रत्यार्पित करण्यात आल्या.

त्यानुसार मी संदर्भ क्र. ८ चे पत्राचे अनुषंगाने दि. २३.०६.२०१५ (म.पू.) पासून संचलनालय, लेखा व कोषागारे, गुंबई येथे कर्तव्यावर रुजू होण्यासाठी रुजू अहवाल सादर करून कर्तव्यावर रुजू आलेलो होतो व नियुक्तीचे प्रतीक्षेत होतो.

या काळावधीमध्ये संचलनालय, लेखा व कोषागारे कार्यालयाकडून कोणत्याही प्रकारच्या बगमबग ताटपाचे आदेश देण्यात आले नाहीत, कोणत्याही प्रकारचे झापन देण्यात आले नाही किंवा अनुपरिस्थितीबाबत कोणत्याही प्रकारचे पत्रव्यवहार केलेला नसल्याने तसेच मला नियुक्ती मिळत नसल्याने वारंवार मा.संचालक व मा.सह संचालक (आस्थापना) यांना भेटून, व्यतिशः विनंती करून देखील नियुक्ती मिळत नसल्याने संदर्भ क्र. १० अन्वये मी मा.संचालक, लेखा व कोषागारे संचलनालय व मा.सचिव, वित्त विभाग यांना दि. २७.०१.२०१६ रोजी नियुक्ती मिळणेबाबत अर्ज सादर केलेला होता.

संदर्भ क्र. ११ चे दि. १३.०४.२०१६ चे आदेशान्वये मला महाव्यवस्थापक (वित्त व लेखा), महानंद, गुंबई या पदावर पदस्थापना देण्यात आल्याने मी दि. १८.०४.२०१६ रोजी कर्तव्यावर रुजू आलेलो आहे.

सबब, मी दि. २३.०६.२०१५ ते दि. १७.०४.२०१६ पर्यंत प्रतीक्षेत होतो. या ३०० दिवसांचा काळावधीत मी दि. २३.०६.२०१५ रोजी कर्तव्यावर रुजू करून घेण्याबाबत अर्ज सादर केलेला होता. कोणत्याही न मिळाल्याने पुनः दि. २७.०१.२०१६ रोजी नियुक्ती मिळणेबाबत मा.संचालक, लेखा व कोषागारे संचलनालय व मा.सचिव, वित्त विभाग यांना दि. २७.०१.२०१६ रोजी नियुक्ती मिळणेबाबत अर्ज सादर केलेला होता अर्ज दिलेलाही पोहच नोंदीच्या छायांकित प्रती.

अशी वस्तुस्थिती असताना देखील तत्काळीन मा.संचालक व तत्काळीन मा.सह संचालक (आस्थापना) यांनी माझा दि. २३.०६.२०१५ ते १७.०४.२०१६ हा ३०० दिवसांचा प्रतिक्षामधीन काळावधी मान्य न करता अर्जित / परावर्तीत रजा गंजूर करण्याबाबतचा प्रस्ताव मा.प्रधान सचिव (ले. व को. वित्त विभाग, मंत्रालय, गुंबई) यांचेकडे सादर केलेल्याने त्यानुसार वित्त विभागाने माझा ३०० दिवसांचा प्रतिक्षामधीन काळावधी अर्जित / परावर्तीत रजा गंजूर करून माझ्यावर अन्याय करण्यात आलेला आहे सदरच्या निर्णयानुळे ३०० दिवसांचे वेतन व भत्ते मला न मिळाल्याने माझे न्यायक आर्थिक नुकसान झालेले आहे.

सबब, वरील वस्तुस्थितीचा विचार करता सदर ३०० दिवसांचा काळावधी प्रतिक्षामधीन काळावधी नियमीत करून या काळावधीतील वेतन व वेतनोत्तर द्यावे मला त्वरीत भत्ता करून माझ्यावरील अन्याय दूर करावा. अशी आपणास नम्रपूरवक विनंती आहे.

आपला कृपाभक्त,

(वित्तविभाग लिखित)

प्रत- माहिती व आवश्यक पृढील कार्यावलीसाठी

१. मा.प्रधान सचिव (लेखा व कोषागारे), वित्त विभाग, मंत्रालय, गुंबई

२. मा. उप सचिव (लेखा व कोषागारे), वित्त विभाग, मंत्रालय, गुंबई



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श्री. विद्यासागर माणिकराव हिरमुखे.

(उप संचालक, वित्त),

अर्थ सल्लागार व मुख्य लेखा अधिकारी

महाराष्ट्र राज्य खादी व ग्रामोद्योग मंडळ

मुंबई - १.

दि.०७.१२.२०२०

प्रति,

मा.संचालक,

लेखा व कोषागारे संचालनालय,

मुंबई.

विषय	: दि.२३.०६.२०१५ ते दि.१७.०४.२०१६ हा कालावधी प्रतिक्षाधीन कालावधी समजण्यात येवून मान्यता देण्याबाबत...
संदर्भ	: १. क्र.संलेको-२०१८/प्रक्र.९/कोषा प्रशा-२, दि.२४.०१.२०१८ चे आदेश. २. क्र. संलेको-२०१४/प्रक्र.१०४/कोषा प्रशा-२, दि.१७.०६.२०१४ चे आदेश. ३. क्र.राआसो/आस्था/श्री.हिरमुखे/उपसंचालक(विवले)/कार्यमुक्त/१४, दि.२१.०६.२०१४. ४. अॅकब्यु/आ-३/नियुक्ती/उपसंचालक/२०१४/१०४६५, दि.०२.०६/०७.२०१४. ५. सम.गृह(श)/नविसाप्रविवन्यासका/व्हीआयपी/५८५, दि.२२ मे, २०१५. ६. सम/गृह(श)/नविसाप्रविवन्यासका/जनरल/२०८३, दि.१७ जून, २०१५. ७. अॅकब्यु/आ-३/प्रशासकीयकारणास्तवबदली/२०१५/८०४२, दि.२२ जून २०१५. ८. कर्तव्यावर रुजू होण्याबाबत विभागाकडे सादर करण्यात आलेला रुजू अहवाल, दि.२३.०६.२०१५. ९. मा.मंत्री(महसूल)यांचे दि.०२.१२.२०१५ चे पत्र. १०. नियुक्ती मिळणेबाबत माझा दि.२७.०१.२०१६ चा अर्ज. ११. शासन वित्त आदेश क्र.संकिर्ण २०१५/प्र.क्र.२६२/कोषा प्रशा-२, दि.१३.०४.२०१६. १२. सलोभो/प्रशा राप/का.६/वि.मा.हिरमुखे/०५.२०१७/६३७/२४०२, दि.२५ मे २०१७. १३. दि. २३.०६.२०१५ ते दि.१७.०४.२०१६ हा कालावधी प्रतिक्षाधीन कालावधी समजण्यात येवून मान्यता देणेबाबत विभागाकडे सादर करण्यात आलेला अर्ज, दि.२४.१२.२०१८.

संचालनालय लेखा व कोषागारे
महाराष्ट्र राज्य, मुंबई- १.

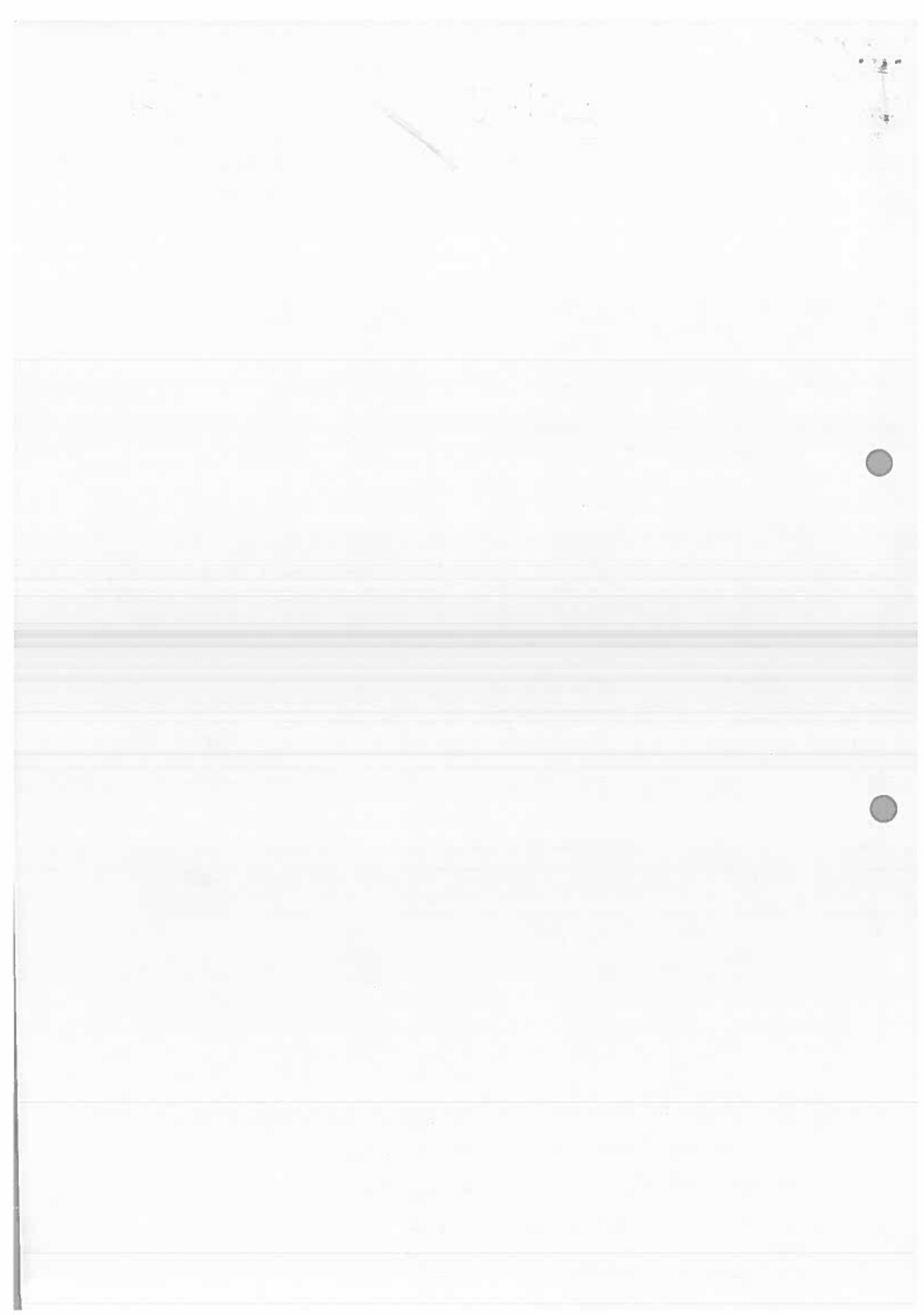
08 DEC 2020

प्राप्त झाले आहे.....

आदरणीय महोदय,

मी विद्यासागर मा. हिरमुखे, (उप संचालक, वित्त), अर्थ सल्लागार व मुख्य लेखा अधिकारी या पदावर महाराष्ट्र राज्य खादी व ग्रामोद्योग मंडळ, मुंबई-१ येथे सध्या कार्यरत असून आपणास विनंतीपूर्वक अर्ज करतो की,

५-८



उपरोक्त संदर्भ क्र. १ अन्वये वित्त विभाग, म. शासन यांचे तर्फे माझ्या दि. २३.०६.२०१५ ते दि.१७.०४.२०१६ असा एकूण ३०० दिवसांचा कालावधी अर्जित / परावर्तित रजा म्हणून मंजूर केल्याचे कार्यालयीन आदेश निर्गमित केलेले आहेत.

उपरोक्त आदेशाबाबत मी आपले पुन्हा एकदा लक्ष वेधू इच्छितो....

संदर्भ क्र. २ चे वित्त विभागाचे आदेशान्वये माझी उपसंचालक (वित्त व लेखा) राष्ट्रीय ग्रामीण आरोग्य अभियान प्रकल्प, मुंबई येथून उपसंचालक (वित्त) महासंचालक, लाचलुचपत प्रतिबंधक विभाग यांचे कार्यालय, वरळी, मुंबई येथे बदली दर्शविण्यात आली. संदर्भ क्र. ३ अन्वये मला दि.२१.०६.२०१४ (म.न.) कार्यमुक्त करण्यात आल्याने मी कार्यमुक्त होवून उपसंचालक (वित्त) महासंचालक, लाचलुचपत प्रतिबंधक विभाग यांचे कार्यालय, वरळी, मुंबई येथे दि.२३.०६.२०१४ (म.पु.) रुजू झालो. (संदर्भ क्र.४ ची प्रत सोबत जोडली आहे.)

संदर्भ क्र.५ चे पत्रान्वये मा. राज्यमंत्री, गृह (शहरे) महोदयांनी माझ्या सेवा लाचलुचपत प्रतिबंधक विभाग कार्यालयातील नियमित कामकाज सांभाळून आठवड्यातून काही दिवस उपलब्ध करून देण्याबाबत दि.२२.०५.२०१५ रोजी मा.संचालक, लाचलुचपत प्रतिबंधक विभाग यांना सूचना दिल्याने मी लाचलुचपत प्रतिबंधक विभाग कार्यालयातील नियमित कामकाज सांभाळून आठवड्यातून काही दिवस मा. राज्यमंत्री, गृह (शहरे) यांचे कार्यालयात सेवा देत होतो.

तथापि, प्रशासकीय कारणास्तव संदर्भ क्र. ६ चे पत्रान्वये दि.१७.०६.२०१५ (म.न.) पासून माझ्या सेवा मुळ विभागात प्रत्यावर्तित करण्याबाबत निर्देश देण्यात आल्याने संदर्भ क्र. ७ चे पत्रान्वये लाचलुचपत प्रतिबंधक विभागाकडून मला दि. २२.०६.२०१५ (म.न.) मुळ विभागात म्हणजेच संचालनालय, लेखा व कोषागरे, मुंबई येथे प्रत्यार्पित करण्यात आल्या व तसे पोलीस महासंचालक, ॲन्टी करप्शन ब्युरो यांनी त्यांच्या दि.२२.०६.२०१५ च्या आदेशान्वये मा. संचालक (लेखा व कोषागरे) व मा. प्रधान सचिव (वित्त विभाग), मंत्रालय, मुंबई-३२ यांना परस्पर कळविले आहे.

त्या नुसार मी संदर्भ क्र. ८ चे पत्राचे अनुषंगाने दि.२३.०६.२०१५ (म.पू.) पासून संचालनालय, लेखा व कोषागरे, मुंबई येथे कर्तव्यावर रुजू होण्यासाठी रुजू अहवाल सादर करून कर्तव्यावर रुजू झालेलो होतो व नियुक्तीच्या प्रतिक्षेत होतो.



या कालावधीमध्ये संचालनालय, लेखा व कोषागरे कार्यालयाकडून कोणत्याही प्रकारचा कामकाज घाटपाचे आदेश देण्यात आले नाहीत, कोणत्याही प्रकारचे ज्ञापन देण्यात आले नाहीत किंवा अनुपस्थिती बाबत कोणत्याही प्रकारचे पत्रव्यवहार केलेला नसल्याने तसेच मला नियुक्ती मिळत नसल्याने वारंवार मा. संचालक व मा. सह संचालक (आस्थापना) यांना भेटून, व्यक्तीशः विनंती करून देखील नियुक्ती मिळत नसल्याने संदर्भ क्र.१० अन्वये मी मा. संचालक, लेखा व कोषागरे संचालनालय व मा. सचिव, वित्त विभाग यांना दि.२७.०१.२०१६ रोजी नियुक्ती मिळणेबाबत अर्ज सादर केलेला होता.

उपरोक्त संदर्भ क्र.१२ येथील पत्रामध्ये शासन वित्त विभाग परिपत्रक दि.२०.२०.२००८ च्या तरतुदीनुसार श्री.हिरमुखे हे दि.२३.०६.२०१५ रोजी संचालनालय, लेखा व कोषागरे, महाराष्ट्र राज्य, मुंबई येथे रुजू होणे आवश्यक होते परंतु श्री. हिरमुखे यांनी दि.२३.०६.२०१५ रोजी रुजू अहवाल संचालनालयातील नोंदणी शाखेत दिला, परंतु ते प्रत्यक्षात संचालनालयात रुजू झाले नाहीत असे नमूद करण्यात आले आहे.

संदर्भित पत्रात नमूद केलेल्या बाबीशी मी असहमत आहे कारण....

१. मी दि.२३.०६.२०१५ रोजी संचालनालयामध्ये प्रत्यक्ष हजर राहून माझा रुजू अहवाल मी नोंदणी शाखेत दिला होता व तसेच संचालक मा. नकवी सरांना भेटूनही रुजू अहवालाची एक प्रत दिली होती. याचाच अर्थ मी त्याच दिवशी कार्यालयात प्रत्यक्ष हजर झालो होतो असे असताना मी केवळ रुजू अहवाल दिला व मी प्रत्यक्षात हजर झालो नाही या संचालनालयाच्या अभिप्रायाशी मी असहमत आहे. तत्काळ संदर्भासाठी त्याची प्रत जोडली आहे.

२. त्याच दिवशी म्हणजे दि.२३.०६.२०१५ रोजी मा. प्रधान सचिव (वित्त विभाग) यांनाही रुजू अहवालाची प्रत विभागाच्या नोंदणी शाखेतही दिली होती. (ह्या सर्वांची पोहोच सोबत जोडत आहे.)

३. नोंदणी शाखेकडून संचालनालयातील संबंधीत विभागास रुजू अहवाल प्राप्त झाल्यानंतर संबंधीत विभागाने त्यावर कोणतीही कार्यवाही केलेली नाही. त्यामुळेच मला, मी संचालनालयात रुजू झाल्या पासून वर्षभर नियुक्ती दिलेली नाही. मला नियुक्ती देण्यासाठी मी वारंवार वरिष्ठांना भेटून विनंती केलेली आहे. मी संचालनालयात हजर झाल्या नंतर मला तात्काळ नियुक्ती देण्याची जबाबदारी ही संचालनालयातील सहसंचालक (आस्थापना) व मा. संचालक यांची होती परंतु तसे झाले नाही.

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४. संचालनालयाच्या निष्काळजीपणामुळेच मला ३०० दिवसाचे वेतन व भत्ते मिळालेले नाहीत यास केवळ संचालनालयच जबाबदार आहे.

५. मी प्रत्यक्षात दि.२३.०६.२०१५ रोजी रुजू अहवाल मा. संचालक (लेखा व कोषागरे) यांना दिल्यावर मला तात्काळ नियुक्ती देणे आवश्यक होते. तात्काळ नियुक्ती दिलेली नाही किंवा जर मी प्रत्यक्षात हजर झालो नाही तर कार्यालयाने माझ्या गैरहजेरी बाबत कोणतीही कारवाई का केलेली नाही. जर कारवाई केली असल्यास मात्र त्यांनी का कळविले नाही? किंवा मा. सचिव (लेखा व कोषागरे) यांना का कळविले नाही?

६. या संदर्भात मला एखादी नोटीस पण दिलेली नाही. माझ्या घरचा पत्ता तसेच माझा मोबाईल नंबर कार्यालयाकडे असून देखील घरच्या पत्त्यावर एखादी नोटीस पाठविली नाही किंवा माझ्या मोबाईलवर फोनही केलेला नाही. जर मी कार्यालयात हजर नव्हतो तर कार्यालयाने माझ्या विरोधात म.ना.से. (शिस्त व अभिवेदन) १९७९ नुसार का कारवाई केली नाही?

७. मी कार्यालयात हजर होऊन मला नियुक्ती देण्याबाबत प्रत्यक्ष विनंती करुनही मला नियुक्ती दिलेली नाही. त्यामुळे उपरोक्त कालावधीची माझ्या खात्यातील रजा खर्ची घालून माझे आर्थिक नुकसान केले आहे. अशा प्रकारे कार्यालयाने केलेली कार्यवाही हे वरील वस्तुस्थितीचा विचार करता मला अमान्य आहे. त्यामुळे या बाबत कार्यालयाने माझ्या अर्जाचा पुनर्विचार करावा व दि.२३.०६.२०१५ ते दि.१७.०४.२०१६ हा कालावधी प्रतिक्षाधीन कालावधी समजण्यात येवून ती मान्य करावी ही नम्र विनंती.

सोबत : संदर्भ क्र. १ ते १३ जोडत आहे.

आपला कृपाभिलाषी,

(विद्यारागर हिरमुखे)

प्रत माहितीस्तव व पुढील कार्यवाहीसाठी सादर,

१. मा. प्रधान सचिव (लेखा व कोषागरे),

मंत्रालय, मुंबई - ३२.

२. उप सचिव (लेखा व कोषागरे)

मंत्रालय, मुंबई - ३२.





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महाराष्ट्र शासन वित्त विभाग

संचालनालय लेखा व कोषागार, मुंबई

कस्तुरी इमारत, तळ मजला जे टाटा मार्ग, पटोलियम हाऊस समोर, चर्चगेट, मुंबई - 400 020

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क्र.संलेवको / प्रशा-राप / का-६ / श्री. हिरमुखे / ०६.२४ / ७९९ / ७२४ दि. १३ JUN 2021

प्रति.

श्री. विद्यासागर मा. हिरमुखे.

उपसंचालक (लेखा).

परिवहन आयुक्त कार्यालय.

मुंबई

विषय :- दि. २३.६.२०१५ ते दि. १७.४.२०१६ हा कालावधी प्रतिकाधीन कालावधी म्हणून मंजूर करण्याबाबत

संदर्भ :- १) वित्त विभाग, शासन पत्र क्रमांक संलेको - २०१८ / प्र. क्र. ०९ / कोपा प्रशा - २, दिनांक २२.०१.२०२०

२) संचालनालयाचे पत्र क्र. संलेवको / प्रशा - राप / प्रतिकाधीन / का. ६ / ०८. २०१९ / १५२, दिनांक १२.०२.२०२०

३) वित्त विभाग, शासन पत्र क्रमांक संलेको - २०१८ / प्र. क्र. ०९ / कोपा प्रशा - २, दि. ०४.०१.२०२३

४) संचालनालयाचे पत्र क्र. संलेवको / प्रशा-राप / प्रतिकाधीन / का. ६ / ०१.२३ / ७३ / ४८ / २७७, दि. १३.०१.२०२३

आपली दि. २३.६.२०१५ ते दि. १७.४.२०१६ पर्यंत एकूण ३०० दिवरांची रजा मंजूर करण्यात आली असून सदर रजेचा कालावधी हा सक्तीचा प्रतिकाधीन कालावधी म्हणून मंजूर करता येणार नसल्याबाबत शासनाने संदर्भ क्र. १ आणि ३ वरील पत्रान्वये निर्देशित केल्यानुसार संचालनालयाच्या संदर्भ क्र. २ आणि ४ वरील पत्रान्वये आपणास कळविण्यात आले आहे.

तरी शासन वित्त विभागाच्या दि. २२.१.२०२० आणि दि. ४.१.२०२३ रोजीच्या पत्राच्या अध्यांकित प्रती सोबत जोडण्यात येत आहेत.

(रश्मी नादिवडेकर)

सहसंचालक (प्रशासन)
लेखा व कोषागार, मुंबई

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विषय : प्रतिक्षाधीन कालावधी समजून मान्यता मिळणेबाबत.
श्री. वि. मा. हिरमुखे, उपसंचालक

- संदर्भ : १) शासन वित्त विभाग यांचे आदेश क्र. संलेको-२०१८/प्र.क्र..०९/कोषा प्रशा २,
दि.२४.०९.२०१८.
२) शासन वित्त विभाग यांचे पत्र क्र.संलेको-२०१८/प्र.क्र..०९/कोषा प्रशा २,
दि.२२.०९.२०२०.
३) श्री. विद्यासागर माणिकराव हिरमुखे यांचा अर्ज दि.०७.१२.२०२०.

महोदया,

शासन वित्त विभाग आदेश क्र.संलेको-२०१८/प्र.क्र..०९/कोषा प्रशा २, दि.२४.०९.२०१८ अन्वये श्री. हिरमुखे, उपसंचालक यांची दि.२३.०६.२०१५ ते दि.१७.०४.२०१६ अन्वये अर्जित/परावर्तित रजा मंजूर केली आहे. श्री. हिरमुखे यांनी सदर कालावधी प्रतिक्षाधीन कालावधी समजण्यात येवून मान्यता देण्याबाबत संचालनालयास अर्ज केला आहे.

श्री. हिरमुखे, उपसंचालक (वित्त), ॲन्टी करप्शन ब्युरो, महाराष्ट्र राज्य, मुंबई या पदावर कार्यरत असतांना प्रशासकीय कारणास्तव त्यांची सेवा मुळ विभाग संचालक, लेखा व कोषागारे, मुंबई येथे दि.२२.०६.२०१५ (मं.नं.) प्रत्यार्पित करण्यात आली आहे.

शासन वित्त विभाग परिपत्रक दि.२०.०२.२००८ च्या तरतुदीनुसार श्री. हिरमुखे यांचा दि.२३.०६.२०१५ रोजी रुजू अहवाल संचालनालयास प्राप्त झाला.

श्री.हिरमुखे यांनी दि.२०.०४.२०१६ रोजी संचालनालयास दि.२३.०६.२०१५ ते दि.१७.०४.२०१६ पर्यंत ३०० दिवस प्रतिक्षाधीन कालावधी नियमित करून वेतन अदा करणेबाबत संचालनालयास अर्ज सादर केला. सदर अर्जावर तत्कालीन मा.संचालक यांनी "No Work No Pay" असे अभिप्राय नोंदविले आहेत. (प्रत सलग) त्या अनुषंगाने दि.२५.०५.२०१७ रोजी प्रस्ताव शासन वित्त विभागास सादर करण्यात आला होता. (प्रत सलग).

श्री. हिरमुखे यांचा दि.२३.०६.२०१५ ते दि.१७.०४.२०१६ पर्यंत ३०० दिवस हा कालावधी त्यांच्या शिक्षक असलेल्या देय अनुज्ञेय रजेमधून शासन वित्त विभाग यांचे आदेश क्र.संलेको-२०१८/प्र.क्र..०९/कोषा प्रशा २, दि.२४.०९.२०१८ अन्वये मंजूर करण्यात आला. श्री.हिरमुखे यांच्याकडून रजा अर्ज घेण्यात आल्याचे दिसून येत नाही.

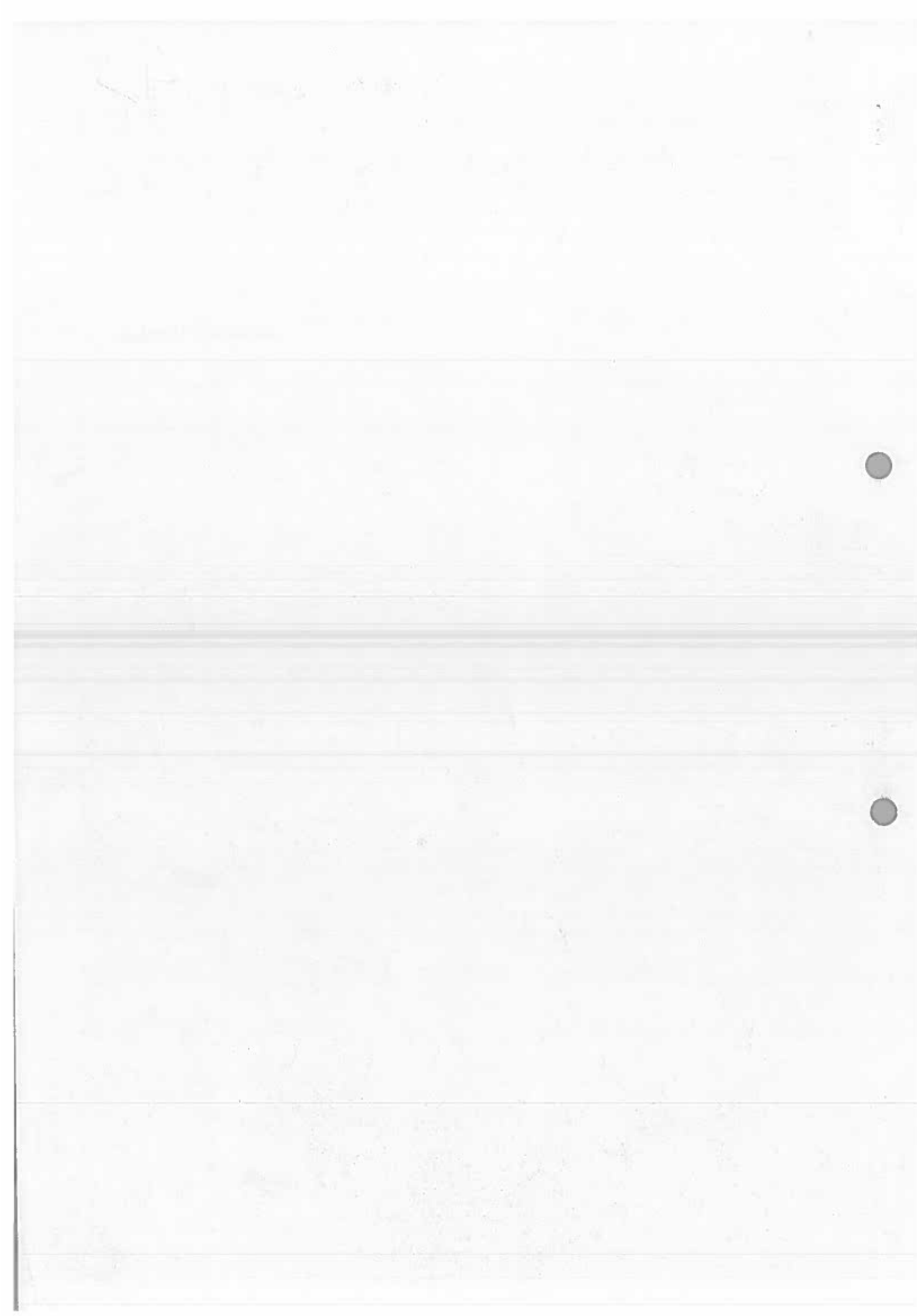
दि.२३.०६.२०१५ ते दि.१७.०४.२०१६ या शासन वित्त विभाग यांचे आदेशान्वये मंजूर करण्यात आलेल्या रजा कालावधीचे वेतन संचालनालय, लेखा व कोषागारे, मुंबई या कार्यालयातून अदा करण्यात आले आहे. (देयक क्र. १२/०४.०६.२०१८ प्रत सलग) सदर वेतन श्री. हिरमुखे यांचे खातेवर जमा करण्यात आले.

शासन वित्त विभाग आदेश दि.२४.०९.२०१८ अन्वये रजा मंजूर करून रजा वेतन अदा केल्यानंतर दि.२४.१२.२०१८ रोजी श्री. हिरमुखे यांनी दि.२३.०६.२०१५ ते दि.१७.०४.२०१६ पर्यंत ३०० दिवस हा कालावधी प्रतिक्षाधीन कालावधी समजण्यात येवून मान्यता मिळणेबाबत अर्ज केला आहे. शासन वित्त विभाग यांचे पत्र संदर्भ क्र. २९४

०२ अन्वये श्री.हिरमुखे यांना दि.२३.०६.२०१५ ते दि.१७.०८.२०१६ पर्यंत ३०० दिवसांचे शासनाने मंजूर केलेली रजा ही कार्यवाही योग्य असल्याचे कळविले आहे. (प्रत संलग्न)

संदर्भ क्र. ३ च्या पत्रान्वये श्री.हिरमुखे यांनी दि.२३.०६.२०१५ ते दि.१७.०८.२०१६ हा कालावधी प्रतिष्ठापीन कालावधी समजुन मान्यता मिळणेबाबत संचालनालयास विनंती केली आहे. सदर पत्रात श्री.हिरमुखे यांनी खालील प्रमाणे मुद्दे उपस्थित केलेले असुन, त्याबाबत संचालनालयाचे अभिप्राय सादर करण्यात येत आहे.

अ.क्र.	मुद्दा	अभिप्राय
१	मी.दि.२३.०६.२०१५ रोजी संचालनालयामध्ये प्रत्यक्ष हजर राहुन माझ्या रुजू अहवाल मी नोंदणी शाखेत दिला होता व तसेच संचालक मा.नकवी सरांना भेटूनही रुजू अहवालाची एक प्रत दिली होती. याचाच अर्थ मी त्याच दिवशी कार्यालयात प्रत्यक्ष हजर झालो होतो असे असताना मी केवळ रुजू अहवाल दिला व मी प्रत्यक्षात हजर झालो नाही या संचालनालयाच्या अभिप्रायाशी मी असहमत आहे.	श्री.हिरमुखे यांनी संचालनालयास रुजू अहवाल सादर केला आहे. परंतु श्री.हिरमुखे यांना हजर करुन घेण्याबाबतचे आदेश व सोपविण्यात आलेल्या कामकाजाचे आदेश अभिलेख्यात उपलब्ध नाहीत. तसेच संचालनालयाचे दि.२५.०५.२०१७ च्या प्रस्तावात श्री.हिरमुखे यांनी रुजू अहवाल नोंदणी शाखेत दिला परंतु ते प्रत्यक्षात संचालनालयात रुजू झालेले नाहीत असे नमुद आहे. त्यानुसार पुढील प्रस्तावात त्याचप्रमाणे नमुद करण्यात आले आहे. (प्रत संलग्न)
२	श्री.हिरमुखे यांनी दि.२३.०६.२०१५ रोजी मा.प्रधान सचिव (वित्त विभाग) यांनाही रुजू अहवालाची प्रत विभागाच्या नोंदणी शाखेतही दिली होती.	श्री.हिरमुखे यांनी प्रत संचालनालयास सादर केली आहे (प्रत संलग्न)
३	नोंदणी शाखेकडून संचालनालयातील संबंधित विभागास रुजू अहवाल प्राप्त झाल्यानंतर संबंधित विभागाचे त्यावर कोणतेही कार्यवाही केलेली नाही. त्यामुळेच मला, मी संचालनालयात रुजू झाल्या पासून वर्षभर नियुक्ती दिलेली नाही. मला नियुक्ती देण्यासाठी मी दारुवार वरिष्ठांना भेटून विनंती केलेली आहे. मी संचालनालयात हजर झाल्या नंतर मला तात्काळ नियुक्ती देण्याची जबाबदारी ही संचालनालयातील सहसंचालक (आस्थापना) व मा.संचालक यांची होती परंतु तसे झाले नाही.	श्री.हिरमुखे यांनी संचालनालयात दि.२३.०६.२०१५ रोजी रुजू अहवाल सादर केल्यानंतर संचालनालयास दि.२७.०९.२०१६ च्या पत्रान्वये मा.मंत्री (महसूल) व पद्म महोयांनी केलेल्या शिफारसीनुसार महाव्यवस्थापक/ उपमहाव्यवस्थापक (वित्त व लेखा) येश नियुक्ती देणेबाबत संचालनालयास अर्ज सादर केला आहे. या अर्जाच्या अनुषंगाने संचालनालयाचे पत्र दि.०५.०९.२०१६ व दि.२५.०२.२०१६ अन्वये श्री.हिरमुखे यांना नियुक्ती देणेबाबत संचालनालयाकडून प्रस्ताव सादर करण्यात आला आहे.(प्रत संलग्न) मात्र दि.२७.०९.२०१६ च्या अर्जाव्यतिरिक्त श्री.हिरमुखे यांचा नियुक्ती देणेकरिता कसिता इतर कोणताही पत्रव्यवहार अभिलेख्यात उपलब्ध नाही.
४	संचालनालयाच्या निष्काळजीपणामुळेच मला ३०० दिवसांचे वेतन व भत्ते मिळालेले नाहीत यास केवळ संचालनालयच जबाबदार आहे.	श्री.हिरमुखे पदस्थापनेच्या पदावर हजर झाल्यानंतर त्यांनी प्रलिक्षाधीन कालावधी नियमित होऊन सदर कालावधीचे वेतन व भत्ते अदा करणेबाबत संचालनालयास अर्ज केला आहे. परंतु श्री.हिरमुखे यांना कोणतेही कामकाज सोपविण्यात आलेले नसल्याने त्यांना रजेचा प्रस्ताव दि.२५.०५.२०१७ च्या पत्रान्वये संचालनालयाकडून सादर करण्यात आला आहे. त्यानुसार शासन आदेश संदर्भ क्र. १ अन्वये



<p>मी प्रत्यक्षात दि.२३.०६.२०१५ रोजी रुजू अहवाल मा.संचालक (लेखा व कोषागारे) यांना दिल्यावर मला तात्काळ नियुक्ती देणे आवश्यक होते. तात्काळ नियुक्ती दिलेली नाही किंवा जर मी प्रत्यक्षात हजर झालेलो नाही तर कार्यालयाने माझ्या गैरहजेरीबाबत कोणतीही कार्यवाही का केलेली नाही. जर कार्यवाही केली असल्यास मात्र त्यांनी का कळविले नाही? किंवा मा.सचिव (लेखा व कोषागारे) यांना का कळविले नाही?</p>	<p>श्री.हिरमुखे यांना मंजूर करण्यात आलेल्या रजा नुसार रजावेतान अदा करण्यात आलेले आहे (प्रत संलग्न)</p> <p>संचालनालयाचे पत्र दि.०५.०५.२०१६ अन्वये श्री. हिरमुखे यांना नियुक्ती देण्याबाबत शासन वित्त विभागास प्रस्ताव सादर करण्यात आला आहे.</p> <p>संचालनालयाचे पत्र दि.२५.०२.२०१६ चे कृपया अवलोकन व्हावे. सदर पत्रामध्ये "श्री.हिरमुखे यांनी दि.२३.०६.२०१५ रोजी संचालनालयात रुजू अहवाल सादर केला असून, त्यांनी संचालनालयात कोणतेच दैनंदिन काम केले नाही. त्यामुळे त्यांची अनधिकृत गैरहजेरी असल्या स्पष्ट आहे. तेव्हा दि.२३.०६.२०१५ पासून च्या कालावधीबाबतचा निर्णय होणे आवश्यक आहे" असे शासन वित्त विभागास कळविण्यात आल्याचे दिसून येते. आहे.(प्रत संलग्न)</p>
<p>या संदर्भात मला एखादी नोटीस पण दिलेली नाही.माझ्या घरचा पत्ता तसेच माझा मोबाईल नंबर कार्यालयाकडे असून देखील घरच्या पत्त्यावर एखादी नोटीस पाठविली नाही किंवा माझ्या मोबाईलवर फोनही केलेला नाही. जर मी कार्यालयात हजर नव्हतो तर कार्यालयाने माझ्या विरोधात म.ना.से.(शिस्त व अभिवेदन) १९७९ नुसार का कार्यवाही केली नाही?</p>	<p>संचालनालयाच्या अभिलेख्यात श्री.हिरमुखे यांना वैयक्तिक झापन/गैरहजेरीबाबत पत्र नोटिस दिल्याचे आढळून येत नाही. तथापि दि.२५.०२.२०१६ च्या पत्रान्वये श्री.हिरमुखे यांची दि.२३.०६.२०१५ पासून अनधिकृत गैरहजेरी कालावधी बाबत निर्णय घेण्याची विनंती शासनास केलेली आहे.</p>

श्री.हिरमुखे यांनी त्यांचे संदर्भ क्र.३ च्या अर्जात दि.२३.०६.२०१५ ते दि.१७.०४.२०१६ एकुण ३०० दिवस कालावधी हा प्रतिकाधीन कालावधी म्हणून मंजूर करणेबाबत विनंती केली आहे. लरी याबाबत शासन स्तरावरून निर्णय घेण्यात यावा.

सोबत : वरीलप्रमाणे.

(स्मिता कुलकर्णी)
सहसंचालक (प्रशासन),
संचालनालय लेखा व कोषागारे, मुंबई

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SUPREME COURT CASES

(2004) 11 SCC

equitable and humane considerations, and other considerations of a closely related nature, would seem to be of a sufficient calibre to excuse or justify a technical violation of the law.”

a

5. We are, furthermore, of the view that the mistake was not intentional and in any case the demand draft was in favour of the Commissioner of Excise which was deposited before an officer who is subordinate to the Commissioner of Excise and, therefore, there was substantial compliance with the requirement of Rule 4(2)(c) of the Rules.

6. In that view of the matter, the order of the High Court under challenge as well as the order dated 4-3-1993 of the State Government cancelling the letter of intent issued in favour of the appellant, are set aside. The appeal is allowed. The Commissioner of Excise will now proceed with the matter in accordance with law. There shall be no order as to costs.

b

(2004) 11 Supreme Court Cases 550

(BEFORE BRIJESH KUMAR AND ARUN KUMAR, JJ.)

ELECTRONICS CORPORATION OF INDIA LTD.

AND OTHERS

.. Appellants;

Versus

d

SATEESH S. RAO SONAWALKAR

.. Respondent.

Civil Appeals No. 5845 of 1997 with No. 5846 of 1997,
decided on March 18, 2004

Service Law — Regularisation — Regularisation of period of absence without sanctioned leave — Respondent transferred on promotion from Hyderabad to Aurangabad — Respondent instead of joining the Aurangabad unit, applying for leave but leave not granted — He then filing writ petition challenging the transfer order and obtaining an ex parte stay order — He reporting on duty at Hyderabad unit with the stay order next day but according to appellant employer he had already been relieved for joining Aurangabad unit — Stay order got vacated by appellant only five months after — Respondent having not been paid salary from the date of relieving order by treating him absent without leave, he filing another writ petition for payment of his salary — While the writ petition against the transfer was dismissed and dismissal order became final, in the writ petition relating to payment of salary, High Court evolving a solution in the interest of both the parties by directing the respondent to join duty at Aurangabad and directing the appellant employer to regularise the period of absence, even though without sanction of leave, by treating period as spent on extraordinary leave as per relevant rules — Modifications made therein by Supreme Court — No interest, however, payable to respondent on the amount he would receive pursuant to the Court's order if the same is paid within six weeks, failing which interest at the rate of 12% granted

e

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g

(Paras 8 and 9)

Appeals disposed of

R-P-M/30134/SL h

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ELECTRONICS CORPN. OF INDIA LTD. v. SATEESH S. RAO SONAWALKAR 551

ORDER

CA No. 5845 of 1997

- a 1. By means of this appeal the order dated 27-12-1996 passed by the Division Bench of the A.P. High Court in writ appeal under clause 15 of the Letters Patent, providing for regularising the period of absence of the respondent and for making payment of his salary has been impugned.
2. We have heard the learned counsel for the appellants and the respondent appearing in person.
- b 3. It appears that the respondent on his promotion as Manager was transferred from Hyderabad to the Aurangabad unit of Electronics Corporation of India Ltd. (ECIL) by order dated 2-5-1995. However, he had been making representations, etc. for his retention at Hyderabad office itself. Ultimately, it transpires that on 17-7-1995 the appellants passed an order relieving the respondent from ECIL, Hyderabad. The respondent is said to have applied for leave from 17-5-1995 to 19-7-1995, which was, however, not granted by the appellants. The respondent then filed a writ petition in the High Court challenging the transfer order and an ex parte stay order was granted on 20-7-1995. According to the respondent, on 21-7-1995 he reported for joining and he also seems to have signed the attendance register.
- c But there seems to be a dispute about his joining since according to the appellant the respondent had already been relieved on 17-7-1995.
- d 4. The respondent was not paid his salary, hence, he filed yet another Writ Petition No. 26350 of 1995, with a prayer for payment of his salary for the period from 17-7-1995 to 7-10-1995. He was being treated as absent from duty. The appellant moved an application for vacation of the stay order on 19-12-1995. On 8-4-1996 the stay order staying the transfer was vacated.
- e The appeal preferred by the respondent against the order vacating the interim order of stay was dismissed on 26-4-1996. The two writ petitions, namely, one against the transfer order and the other for payment of salary, were heard and dismissed on 11-9-1996. Liberty was, however, granted to the respondent to make representations for his being retained at Hyderabad and for payment of his salary till he joins at Aurangabad. The respondent preferred two
- f appeals but Appeal No. 1473 of 1996 preferred against the order of transfer was dismissed on 26-12-1996. Thus, the controversy relating to the transfer was set at rest since no appeal was preferred against the order dismissing the appeal in the matter of transfer of the respondent. The other appeal arising out of the proceedings for payment of the salary is the subject-matter of the present appeal before us.
- g 5. The Division Bench of the High Court, hearing the appeal relating to payment of salary, observed right in the beginning that since the appeal pertaining to the transfer matter had been dismissed, there was no merit in the appeal relating to payment of salary as well. The Court, however, tried to evolve the best-possible solution in the matter, in the given facts and
- h circumstances of the case so as to avoid any problem or controversy in future. The Court thus passed an order with the agreement of the parties. The said

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order provides that the respondent would abide by the order of transfer and join his duty at Aurangabad. The present appellant employers were required to release the arrears of salary to the respondent, who may, even though be considered absent from duty without leave and it was further observed that such period may be treated as on extraordinary leave without any break in service. The order then observes that the counsel for the employer, the present appellant before us, also found nothing objectionable in the order passed though it might give some benefit to the respondent. a

6. Learned counsel for the appellants submits that the respondent had been relieved by passing the order dated 17-7-1995 and thereafter he remained absent. Under the rules, whatever period is admissible as earned leave that having been made available to the respondent, rest of the period is to be treated as the period on extraordinary leave but it has to be without pay, including the period during which the respondent had gone abroad on sanctioned extraordinary leave without pay. It is further submitted that any concession made by the counsel or if no objection is made by the counsel to a situation which may run contrary to the rules would not be binding. It is further submitted that a whole reading of the order passed by the High Court would show that the period of absence though not authorised, yet it is to be treated as on sanctioned extraordinary leave. This is how the period was to be regularised. It is further submitted that the direction for payment of salary would only mean payment of salary for the period as admissible under the rules pertaining to the extraordinary leave or any other kind of leave. It is further submitted that considering the rule position, the appellants have regularised the whole period of absence treating the same as period covered by earned leave as well as extraordinary leave but no payment of salary is liable to be made except for the period of earned leave. b c d e

7. The respondent-in-person tried to make a submission that the order of his transfer was mala fide. However, we find no relevance in that aspect of the matter since it became final with the dismissal of his appeal against the matter pertaining to his transfer. The matter was not taken up any further by the respondent. The next contention which has been raised by the respondent-in-person is that the rules relating to extraordinary leave, as provided in the ECIL Service Rules, are applicable only to ECIL but not to its officers, namely, the General Managers of different departments who have been impleaded as the respondents in this appeal. The argument is fallacious on the face of it and such a plea cannot be entertained that he may be allowed extraordinary leave with salary and the officers may be directed to make the payment of the same. f g

8. We have, however, considered the whole matter including the order passed by the High Court. The High Court thought in the best interest of both the parties, namely, the organisation as well as the respondent to pass the impugned order. The direction was to regularise the period of absence even though it was without sanction of leave, by treating the period spent on extraordinary leave as per the relevant rules. As indicated by the learned counsel for the appellants, extraordinary leave for a period of three months at h

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ELECTRONICS CORPN. OF INDIA LTD. v. SATEESH S. RAO SONAWALKAR 553

- a one stretch can be granted by the management without pay and for period beyond that, it may be granted by the higher authorities. It is further submitted that the period with effect from 17-7-1995 to 8-11-1995 can be adjusted against earned leave on full salary. Thereafter, the respondent was granted three months' extraordinary leave without pay w.e.f. 9-11-1995 to 7-2-1996 during which period he went abroad, namely, USA. The rest of the period may be allowed to be treated as the period on extraordinary leave without pay. We, however, find that the respondent had on 19-7-1995
- b obtained the stay order of his transfer. The respondent reported on duty with that order on the next day. The appellants sat tight over the matter for a period of five months, without bringing to the notice of the Court that the respondent stood relieved on 17-7-1995 and moved for vacation of the stay order only on 19-12-1995 and the stay order was vacated only on 8-4-1996, that is to say, the stay order remained operative w.e.f. 19-7-1995 till the date of its vacation i.e. on 8-4-1996. The respondent had made himself available and had reported on duty on 20-7-1995. This kind of relieving order, if
- c passed on 17-7-1995, should have been brought to the notice of the Court at the earliest, rather than to allow it to continue for such a long time even though appearance on behalf of the appellants was put in before the Court much earlier. In the circumstances, the case of relieving of the respondent in the manner as indicated by the appellants is not liable to be accepted.
- d

- e 9. Therefore, we provide that the period from 17-7-1995 to 8-4-1996 shall be treated as the period spent on duty and the appellants shall pay full salary for the said period, excluding the period of three months w.e.f. 9-11-1995 to 7-2-1996 for which extraordinary leave was granted to the respondent to visit USA. The period after 8-4-1996 shall be adjusted against earned leave or any other such leave which according to the appellants have been made admissible to the respondent for the period from 17-7-1995 to 8-11-1995. The rest of the period has only to be regularised as against extraordinary leave without pay. In this manner the continuity of service of the respondent is also maintained and all the period of service would also stand regularised in the spirit of the order passed by the High Court. The
- f arrears of salary to be calculated in the manner indicated above shall be worked out and paid within six weeks from today.

10. We decline to entertain the request made by the respondent for allowing any kind of interest over the amount, if the same is paid within six weeks, as provided above, failing which it shall entail an interest at the rate of 12%.

- g 11. The appeal stands finally disposed of in the manner indicated above.
CA No. 5846 of 1997

- h 12. In view of the order passed in CA No. 5845 of 1997, relating to the matter of payment of salary, etc., arising out of the order dated 27-12-1996, the contempt notice issued by the High Court in Contempt Case No. 278 of 1997, is discharged and the proceedings are dropped. The matter stands finally disposed of as indicated above.

Civil Writ Jurisdiction Case No. 19481 of 2014

Indu Kumari v. State of Bihar

2018 SCC OnLine Pat 6295

In the High Court of Patna
(BEFORE ANIL KUMAR UPADHYAY, J.)

Indu Kumari Petitioner/s;
v.

State of Bihar through the Commissioner-cum-Secretary to Govt.
and Others Respondent/s.

Civil Writ Jurisdiction Case No. 19481 of 2014
Decided on November 2, 2018

Advocates who appeared in this case :

For the Petitioner/s: Mr. Girish Nandan Prasad Singh, Advocate

For the Respondent/s: Mr. Rauish Chandra, AC to SC-6

The Judgment of the Court was delivered by

ANIL KUMAR UPADHYAY, J.:— The instant writ petition has been filed by the petitioner for a direction to the respondents to pay salary for the period the petitioner was kept on compulsory waiting for posting.

2. This writ petition was filed on 17.11.2014 after service of two advance copies to the office of the Advocate General but unfortunately even after four years no counter affidavit has been filed. The Court, under the aforesaid circumstances, is constrained to dispose of the writ petition on the basis of the pleadings available on the record.

3. From the pleadings available on the record, it appears that the petitioner was kept on compulsory waiting for posting for the period 12.09.1996 to 10.01.1997. Posting is under the domain of the respondents and if appropriate decision was not taken by the respondents in the matter of posting of the petitioner, the petitioner cannot be made to suffer on account of lapses on the part of the respondents in taking decision for posting of the petitioner.

4. Considering the fact that there is no counter affidavit controverting the statements made in the writ petition with regard to the fact that the petitioner was kept on compulsory waiting for posting for the period 12.09.1996 to 10.01.1997, the respondents are hereby directed to work out the entitlement of the petitioner for payment of salary of the aforesaid period as the respondents cannot take advantage of their own wrong in not issuing appropriate order of posting of the petitioner and for failure on the part of the respondents, the petitioner remained on compulsory waiting for posting. Accordingly, the respondents are directed to ensure payment of salary for the aforesaid period within a maximum period of four months from the date of receipt/production of a copy of this order.

5. With the aforesaid, the writ petition stands allowed and disposed of.

— — —
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(2013) 11 SCC

2. For this purpose, before passing further orders, we would like to have the following information filed in a tabulated form, supported by an affidavit within three weeks:

- (i) The total amount collected by way of rounding-up charges;
- (ii) The amount spent out of it (districtwise); and
- (iii) The amount as to which recovery is yet to be made by the Directorate/Collectors of districts.

3. We would also like to know if the audit is complete or something yet remains to be done for want of information made available by the districts.

IAs Nos. 14-15 of 2003 (filed by the State of Chhattisgarh)

4. The State Government shall take steps for recovery of rounding-off charges lying deposited with the wholesalers so as to bring them into the funds available for utilisation in accordance with the orders¹ passed by this Court.

IAs Nos. 10-11 and 12-13

5. Copies of these applications delivered to the learned counsel for the State of Chhattisgarh. Let response be filed within three weeks.

Court Masters

(2013) 11 Supreme Court Cases 626

(BEFORE S.S. NIJJAR AND RANJAN GOGOI, JJ.)

SHIV NANDAN MAHTO

.. Appellant;

Versus

STATE OF BIHAR AND OTHERS

.. Respondents.

Civil Appeal No. 5306 of 2013[†], decided on July 8, 2013

Service Law — Pay — No work no pay — Inapplicability — Appellant employee kept out of service due to mistake committed by respondent State, and not on account of suspension — Held, appellant cannot be denied benefit of back wages on ground that he had not worked for the period when he was illegally kept out of service — Respondents directed to pay appellant entire full back wages with 9% interest from period he was kept out of service till reinstatement within stipulated time — Reinstatement/ Back Wages/Arrears — Back wages — Entitlement to (Paras 8 and 9)

Shiv Nandan Mahto v. State of Bihar, LPA No. 1859 of 2010, order dated 3-8-2011 (Pat), reversed

Appeal allowed

P-M/52040/SL

Advocates who appeared in this case :

Dinesh Chandra Pandey, Advocate, for the Appellant;

Chandan Kumar (for Gopal Singh), Advocate, for the Respondents.

¹ *Nagrik Upbhokta M. Manch v. Union of India*, (2002) 5 SCC 466

[†] Arising out of SLP (C) No. 312 of 2012. From the Judgment and Order dated 3-8-2011 of the High Court of Judicature of Patna in LPA No. 1859 of 2010

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SHIV NANDAN MAHTO v. STATE OF BIHAR

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Chronological list of cases cited

on page(s)

1. LPA No. 1859 of 2010, order dated 3-8-2011 (Pat), *Shiv Nandan Mahto v. State of Bihar* (reversed)

628c, 628f

ORDER

1. We have heard the learned counsel for the parties. Leave granted.
2. The appellant was appointed against a permanent post of Clerk in the Raj Kishore Balika High School, Narhan, Samastipur, Bihar on 31-12-1978. He joined on the said post on 1-1-1979. Subsequently, the aforesaid school was granted permission by the Directorate of Secondary Education vide Office Memo No. 31346 dated 19-11-1981 for establishment of the aforesaid school. The school was inspected by the special Board on 6-8-1982. In the inspection report, the name of the appellant was inadvertently/wrongly shown as a Librarian. On coming to know of the aforesaid wrong entry, the appellant submitted a representation before the Directorate of Secondary Education seeking correction thereof.
3. On 1-5-1983, the Inspection Committee submitted its report and confirmed that the appellant had been working as a Clerk since the very beginning in the aforesaid school. The school was taken over by the Government of Bihar on 2-8-1983 in terms of the provisions of Section 3 of the Bihar Non-Government Secondary Schools (Taking Over of Management and Control) Act, 1981. The services of the appellant were not taken over, as his name was wrongly shown against the post of Librarian, which post was not approved.
4. Aggrieved by the action of the respondent, the appellant submitted a representation before the Director, Secondary Education, Patna on 17-11-1983 and the Director issued directions to adjust the appellant against the post of clerk in a school in the aforesaid District. On 3-2-1984, the Director, Secondary Education, Patna directed the posting of the appellant as clerk in the High School, Virhan, Madhubani upon transfer of another teacher. However, it later transpires that there was no vacancy on the post of clerk in the district. Therefore, directions were issued to adjust the appellant as and when vacancy is available. Since there was no post of clerk in the High School Virhan, Madhubani, the appellant was made to join the office of the District Education Officer, Virhan with effect from 3-3-1984 and allotted duties and work in the aforesaid office. Subsequently, directions were issued to post the appellant as a clerk in a different school. It appears that due to lack of vacancy, the appellant was not posted in any school for some time.
5. The appellant again protested to the Director for not being given posting orders on the post of clerk. It appears that the appellant was made a rolling stone for long period of time being shunted from school to school in an effort to locate a vacancy for him. In the meantime, the appellant had not received any salary from any source. Ultimately, the appellant moved the High Court by way of Civil Writ Petition No. 516 of 1990 with a prayer seeking reinstatement and consequential benefits.

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(2013) 11 SCC

6. The learned Single Judge of the High Court, upon noticing the entire fact situation, accepted the plea of the appellant that he had been duly appointed as Clerk and wrongly shown as a Librarian. Consequently, directions were issued to reinstate the appellant forthwith. It was also noticed that the removal of the appellant from service was not for any fault of his. He was also directed to be given the benefit of continuity of service and other benefits. However, surprisingly, the learned Single Judge directed that he will not be entitled to any remuneration for the period when he was not in service on the ground that he had not worked. The respondent did not challenge the finding of fact recorded by the learned Single Judge. In fact, it was the appellant who challenged the judgment of the learned Single Judge on the ground that he ought to have been granted full back wages for the period he had been kept out of service. a

7. The appeal was dismissed¹ by the High Court in limine with the following observations: b

“Upon hearing the learned counsel for the appellant, we dismiss this appeal for the reasons that it is settled law that no work no pay. Therefore, the learned Single Judge is correct in not ordering salary for the period during which the appellant was under suspension. c

However, since reinstatement of the appellant, he shall be paid salary regularly as directed by the learned Single Judge.” d

8. Having heard the learned counsel for the parties, we are constrained to observe that the High Court failed to examine the matter in detail in declining the relief to the appellant. In fact, a perusal of the aforesaid short order passed by the Division Bench would clearly show that the High Court had not even acquainted itself with the fact that the appellant was kept out of service due to a mistake. He was not kept out of service on account of suspension, as wrongly recorded by the High Court. The conclusion is, therefore, obvious that the appellant could not have been denied the benefit of back wages on the ground that he had not worked for the period when he was illegally kept out of service. In our opinion, the appellant was entitled to be paid full back wages for the period he was kept out of service. e

9. Consequently, the appeal is allowed. The order¹ passed by the Division Bench is quashed and set aside. The appellant has already been reinstated in service. The respondents are, however, directed to pay to the appellant the entire full back wages from the period he was kept out of service till reinstatement. The full back wages shall be paid to the appellant with 9% interest. Let the amount be paid to the appellant within a period of three months from the date of receipt of copy of this order. f

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¹ Shiv Nandan Mahto v. State of Bihar, LPA No. 1859 of 2010, order dated 3-8-2011 (Pat)

STATE OF BIHAR v. KRIPA NAND SINGH

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(2014) 14 Supreme Court Cases 375

(BEFORE MADAN B. LOKUR AND KURIAN JOSEPH, JJ.)

a STATE OF BIHAR AND OTHERS . . . Appellants;

Versus

KRIPA NAND SINGH AND ANOTHER . . . Respondents.

Civil Appeal No. 6692 of 2014†, decided on July 23, 2014

b Service Law — Pay — No work, yet pay — Exceptional nature of principle — When applicable — Held, “no work, no pay” is the rule, while “no work, yet pay” is the exception — Compulsory waiting period is one such exception, to qualify for which employee has to prove that he had made earnest endeavours despite which he was not able to join duty for no fault of his — Voluntary waiting period not covered under this exception

c — Respondent appointed as teacher vide order dt. 5-2-1986 and directed to join duties within 21 days — He reported for duty on 24-2-1986 but was not allowed to join due to lack of vacancy — In such circumstances, held, he should have brought matter to notice of higher authorities and sought for posting in any other place to save his appointment — He waited for five years to get another posting but made no representations during the said period for joining duty at any other place — Thus, his conduct shows that he was at fault — Consequently, period between 24-2-1986 to 16-7-1991 cannot be treated as compulsory waiting period but was in fact voluntary waiting period — Impugned judgment affirming that respondent was entitled to salary for said period, unsustainable (Paras 1, 7 and 8)

e *Kripanand Singh v. State of Bihar*, CWJC No. 126 of 2003, decided on 3-3-2009 (Pat); *State of Bihar v. Kripanand Singh*, LPA No. 1061 of 2009, order dated 14-9-2009 (Pat), reversed

Kripa Nand Singh v. State of Bihar, CWJC No. 16087 of 2001, decided on 31-1-2002 (Pat), referred to

Appeal allowed

P-M/53546/SL

Advocates who appeared in this case :

f Gopal Singh and Manish Kumar, Advocates, for the Appellants;
S.K. Sinha, Ms Sushma Suri, Tapesh Kumar and Bimlesh Kr. Singh, Advocates, for the Respondents.

Chronological list of cases cited

on page(s)

1. LPA No. 1061 of 2009, order dated 14-9-2009 (Pat), *State of Bihar v. Kripanand Singh* (reversed) 377a-b, 378b
- g 2. CWJC No. 126 of 2003, decided on 3-3-2009 (Pat), *Kripanand Singh v. State of Bihar* (reversed) 376g-h
3. CWJC No. 16087 of 2001, decided on 31-1-2002 (Pat), *Kripa Nand Singh v. State of Bihar* 376f, 377g

h

† Arising out of SLP (C) No. 13314 of 2010. From the Judgment and Order dated 14-9-2009 in LPA No. 1061 of 2009 passed by the High Court of Patna

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(2014) 14 SCC

The Judgment of the Court was delivered by

KURIAN JOSEPH, J.— Leave granted. “No work, no pay”, is the rule and “no work, yet pay”, is the exception. Compulsory waiting period is one such exception. But to qualify for the exception, an employee has to establish that he had made earnest endeavours and yet that he was not able to join duty for no fault on his part. He must also show his earnestness to join duty. Voluntary waiting period is not covered by the exception.

2. The first respondent was appointed Teacher in Political Science as per Memo No. 400-548 dated 5-2-1986 and he was directed to join the High School, Kisko, Lohardagga within 21 days. He reported for duty on 24-2-1986. However, his appointment order was returned by the Headmaster with the endorsement as under:

“According to Memo No. 400-548 dated 5-2-1986 Shri Kripanand Singh (Assistant Teacher) has been appointed in Political Science subject issued by the Deputy Director of Secondary Education, Budhmarg, Patna.

In this School already Teachers in Political Science and History subjects are working. In this School there is only one vacant post of Hindi subject.

Therefore, it is not possible to accept joining of him in this School.”

3. After five years, by Memo No. 1736-79 dated 17-7-1991 issued by Deputy Director Education, Patna, the first respondent was posted in the High School, Sahjadpur (Madhepura). However, there also, there was no vacant post. Therefore, by Memo No. 333-6 dated 24-7-1991 issued by the Additional Director of Education, Darbhanga and Kosi Division, the first respondent was directed to join in the High School, Balwahat (Sarharsa).

4. After ten years of his joining duty, the first respondent filed Writ Petition CWJC No. 16087 of 2001 before the High Court of Judicature of Patna for payment of salary for the period 24-2-1986 to 16-7-1991. The said writ petition was disposed of¹ with a direction to make a fresh representation. It was made clear in the order that:

“In case the petitioner was unable to join due to defective orders of posting and in case he was not at fault for not being able to join any post during the period in question, there should be no reason to deny him the salary for the mistakes committed by the department officials.”

(emphasis supplied)

5. The representation was turned down by the Order dated 21-9-2002. That was challenged in Writ Petition CWJC No. 126 of 2003 leading to the judgment dated 3-3-2009². The learned Single Judge took the view that the Government had not passed proper order as per the directions issued by the Court. It was further held that the rejection of the claim for salary for the period 24-2-1986 to 16-7-1991 was not explained in the counter-affidavit.

1 *Kripa Nand Singh v. State of Bihar*, CWJC No. 16087 of 2001, decided on 31-1-2002 (Pat)

2 *Kripanand Singh v. State of Bihar*, CWJC No. 126 of 2003, decided on 3-3-2009 (Pat)

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STATE OF BIHAR v. KRIPA NAND SINGH (*Kurian, J.*)

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According to the learned Single Judge, the Headmaster, having not permitted the first respondent to join duty on account of non-availability of vacant post and posting having been made thereafter only in 1991, pursuant to which he joined duty on 17-7-1991, the first respondent is entitled to salary for the period 24-2-1986 to 16-7-1991. The judgment of the learned Single Judge was challenged before the High Court. The Division Bench dismissed³ the appeal by a cryptic order, which reads as follows:

- a ... the learned Single Judge has rightly issued direction of payment of salary to the respondents. As concluded by the learned Single Judge, the writ petitioner was not able to join on account of defect in the order of transfer and not on account of his own.”

6. Heard the learned counsel appearing for the State and the counsel appearing for the respondents.

7. At the outset, it has to be noticed that it is not a case of transfer as wrongly noted by the Division Bench. It is a case of first appointment. It is significant to note that the first respondent had not joined duty in the School as per the letter of appointment at Kisko, Lohardagga. True, the Headmaster of the School had not accepted the joining but the first respondent had necessarily to bring the matter to the higher authorities since he was to join duty as per his order of appointment within 21 days of the issuance of the appointment letter dated 5-2-1986. There is no whisper either in the writ petitions or in the counter-affidavit before this Court that the first respondent made any serious attempt before any authority seeking permission to join duty in any other school. It becomes difficult to believe that for five years, he was waiting for an order to join duty in a school where there is vacancy. As we have already observed above, it is not a case of an employee being transferred from one place to another. It is a case of fresh appointment. In case, the appointee could not join duty in the first place of posting, he should have brought the matter to the notice of the higher authorities and sought for a posting in any other place, so as to save his appointment. Nothing of that sort was done by the first respondent. He waited till 1991 till he got a Memo dated 17-7-1991. As noted by the Additional Director in the letter dated 24-7-1991:

“Shri Singh had joined on 17-7-1991 in pursuance of the departmental order in High School, Sahajadpur (Madhepura). In these circumstances Shri Singh’s salary from 17-7-1991 to the date of joining in the newly posting school, taking that to be waiting period will be made by the Apurb High School, Balwahat, Saharsa.” (emphasis supplied)

8. In the judgment dated 31-1-2002, the first round of litigation in *Kripa Nand Singh v. State of Bihar*¹, the High Court had made it clear that his entitlement for salary for the period between 24-2-1986 to 16-7-1991 would depend on whether he was at fault or not in joining any post during the period in question. His conduct speaks volumes to show that he was at fault.

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³ *State of Bihar v. Kripanand Singh*, LPA No. 1061 of 2009, order dated 14-9-2009 (Pat)

¹ *Kripa Nand Singh v. State of Bihar*, CWJC No. 16087 of 2001, decided on 31-1-2002 (Pat)

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(2014) 14 SCC

He waited for five years to get another posting. He had not made any representation during the said period for joining duty in any other place. His writ petition itself is after ten years of his joining duty at a place apparently of his choice. Though the order is dated 5-2-1986, he had joined duty only on 17-7-1991. In such circumstances, it cannot be said that the period between 24-2-1986 to 16-7-1991 is to be treated as a compulsory waiting period. It is in fact a voluntary waiting period. a

9. Accordingly, we allow the appeal. The impugned order³ is set aside. Writ Petition CWJC No. 126 of 2003 on the files of the High Court of Judicature of Patna is dismissed. There is no order as to costs. b

(2014) 14 Supreme Court Cases 378

(Record of Proceedings)

(BEFORE RANJAN GOGOI AND M. YUSUF EQBAL, JJ.) c

JEDDAH TRAVELS AND JEDDAH HAJJ GROUP ..

Petitioner;

Versus

UNION OF INDIA ..

Respondent.

Writ Petitions (C) No. 480 of 2014 with Nos. 380, 390-91, 393-94, 399-400, 416, 515, 573, 587-90, 592-94, 596, 602-603 and 605 of 2014, decided on August 7, 2014 d

A. Constitution of India — Arts. 27, 25, 26, 19(1)(g), 19(6) and 14 — Haj Policy, 2013 — Eligible tour operators — Disqualification of petitioner private tour operators (PTOs) on erroneous interpretation of Clause (iv) and Clause (vii) of Annexure A (Terms and Conditions for Registration of Private Tour Operators for Haj, 2013) of order dt. 16-4-2013 passed by Supreme Court relying on clarification of Clause (vii) issued by Ministry of External Affairs (Gulf and Haj Division) which required submission of relevant documents for a period of at least 3 yrs, while Clause (vii) of Annexure A in terms of Supreme Court order dt. 16-4-2013 required submission of relevant documents for years 2010-2011 and/or 2011-2012 — Impermissibility (Paras 8 and 9) e f

Union of India v. Rafique Shaikh Bhikan, (2013) 4 SCC 699, referred to

B. Constitution of India — Arts. 27, 25, 26, 19(1)(g), 19(6) and 14 — Haj Policy, 2013 — Eligible tour operators — Submission that since necessary and consequential agreements with the Government of Saudi Arabia, so as to enable selected tour operators to send pilgrims against their allotted quota for Haj pilgrimage had to be executed on or before 16-8-2014 which may not be possible within the time-frame available, same may be relegated to calendar year 2015 only — Held, petitioners who had approached Court well in time cannot be denied benefit of adjudication — Besides, time-frame available was adequate to enforce rights of petitioners, if found entitled g

(Paras 6 and 7)

P-M/53629/S h

3 *State of Bihar v. Kripanand Singh*, LPA No. 1061 of 2009, order dated 14-9-2009 (Pat)

W.P. No. 15124 of 2013

G. Vivek v. Commercial Taxes and Registration Department

2019 SCC OnLine Mad 30956

In the High Court of Madras
(BEFORE SUBRAMONIUM PRASAD, J.)

G. Vivek ... Petitioner;
Versus

Secretary to Government, Commercial Taxes and Registration
Department and Others ... Respondents.

W.P. No. 15124 of 2013

Decided on April 5, 2019, [Reserved on: 04.01.2019]

Advocates who appeared in this case:

For Petitioner: Mr. G. Sankaran

For Respondents: Mr. B. Anand (Govt. Advocate)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the first respondent issued in G.O.MS. No. 26 Commercial Taxes and Registration (C2) Department, dated 18.03.2013 and quash the same and consequently direct the respondents to regularize the service of the petitioner for the period from 01.06.2005 to 21.10.2009 as period of Compulsorily Wait to be treated as Duty period with consequential and attendant benefits including arrears of salary and to reckon the entire period of regularized services from the date of appointment on 31.08.2000 for service benefits including pensionable services and to permit the petitioner to operate the GPF A/c. No. 32090/Judl, within the time frame.

The Order of the Court was delivered by

SUBRAMONIUM PRASAD, J.:— The present writ petition has been filed challenging the proceedings of the first respondent issued in G.O.Ms. No. 26 Commercial Taxes and Registration (C2) Department, dated 18.03.2013 and to quash the same. Consequently, direct the respondents to regularize the service of the petitioner for the period from 01.06.2005 to 21.10.2009 and the period of compulsorily Wait to be treated as Duty period with consequential and attendant benefits including arrears of salary and to reckon the entire period of regularized services from the date of appointment on 31.08.2000 for service benefits including pensionable services and to permit the petitioner to operate the GPF A/c. No. 32090/Judl, within the time frame.

2. The brief facts of the case is as follows:

- (i) The writ petitioner was appointed as Office Assistant in Tamil Nadu Taxation Special Tribunal, Chennai, on 31.08.2000, in a regular sanctioned post on temporary basis. Subsequently, he was promoted to the post of messenger on temporary basis as per the provisions of Tamil Nadu Taxation Special Rules 2000 with effect from 04.04.2001. As per proceeding dated 14.05.2001, the petitioner was allotted GPF subscriber enrolment No. 32090/JUDL by the Principal Accountant General (A&E) Tamil Nadu, Chennai and subscription recoveries for GPF was made from his salary from July 2001 onwards. In the year 2004, the Tamil Nadu Taxation Special Tribunal was abolished as per the enactment of Tamil Nadu Taxation Special Tribunal (Repeal) Act, 2004, subsequent to which the petitioner along with 7 other staffs were relieved from the Tribunal on

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31.05.2005 after noon and they were referred to Chennai Collector, for inclusion in reserve list for appropriate action.

- (ii) Out of 8 personnels including the petitioner, two personnels namely Mr. C.D. Ekambaram and Mr. R. Kannan were absorbed in the Department of Commercial Taxes in the Secretariat from the relieving date in the Tribunal as per G.O. Ms. No. 83 Commercial Taxes Department dated 15.07.2005. The remaining 6 personnels, 3 personnels i.e., Mr. V. Sivanandhan, Mr. P. Rajasekaran and Mr. M. Devaraj were given employment to different department and regularized by the Government as per G.O. MS. No. 17 (Commercial Taxes & Registration Dept.) dated 18.01.2006. The petitioner was not given employment in the aforesaid order. In view of the above, the petitioner filed W.P. No. 34968 of 2005 before this Court seeking for regularization of service in the post of Office Assistant and in the post of Messenger. Consequent of this Court's order dated 24.07.2007, the petitioner was regularized in the post of Office Assistant from 31.08.2000 and given employment to Housing and Urban Development Department in the Secretariat, Chennai, as per the proceedings dated 21.05.2009 of the 2nd respondent. After joining in the aforesaid department, the petitioner made a representation on 19.11.2009 with the 3rd respondent seeking for (a) to regularize the period from 01.06.2005 to 21.10.2009 as a special case (b) to permit him to operate his GPF account allotted to him when he was working in the Tamil Nadu Taxation Special Tribunal. Since the said representation has not been considered by the respondents, the petitioner filed W.P. No. 15955 of 2012 for the aforesaid relief. This Court, by order dated 04.07.2012, directed the first respondent to consider the representation dated 19.11.2009 of the petitioner and pass necessary orders in accordance with law. In compliance with the order of this Court, the first respondent has passed impugned order in G.O. Ms. No. 26, Commercial Taxes and Registration Department, dated 18.03.2013 stating that since the petitioner was not employed in any department during the said period, it would be treated as out of employment period or break in service and the petitioner's service during that period cannot be regularized. Further, it is also stated that the Housing and Urban Development Department has to examine and decide as to whether the petitioner should be permitted to operate his GPF Account since the petitioner is working there. Being aggrieved by this order, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner would contend that all the 8 personnels were relieved from the services on the abolition of the Tribunal. While all of them have been appointed in various services, there was no reason as to why the petitioner's service should not have been regularized from the date of initial appointment on 31.08.2000 and it is not correct in coming to the conclusion by referring the Note 1 under Fundamental Rule 26 which will not be applicable to the petitioner and it relates to counting of service for increment in a time scale. Officiating Government Servant without substantive appointment, being discharged from service for want of vacancy with reference to counting of earlier service for the purpose of future increment in time scale of pay. Hence, the aforesaid said provision cannot be made applicable against the petitioner to deny his claim. The said impugned order has been passed misquoting the aforesaid provision of Fundamental Rules.

4. It is further submitted by the learned counsel for the petitioner that while the petitioner appointed on 31.08.2000 to the substantive post has been regularized as per the G.O.MS. No. 112, dated 18.11.2008, break in service made in the result of the abolition of the tribunal will be treated as duty in compulsory to wait for orders of posting. In this regard, the learned counsel for the petitioner has placed reliance on G.O.MS. No. 235, Finance, dated 14th March 1977 wherein Rule 9(3) of

Fundamental Rules states as follows:

Compulsory Wait for orders of Posting.

(3) When a Government servant has compulsorily to wait for orders of posting, such period of waiting shall be treated as duty. During such period, he shall be eligible to draw the pay plus special pay which he would have drawn had he continued in the post he held immediately before the period of compulsory wait or the pay plus special pay which he will draw on taking charge of the new post, whichever is less. For this purpose, no temporary post need be created. The compensatory allowances shall be reckoned at the rates admissible at the station in which he was on compulsory wait.

5. According to the aforesaid rule, when the petitioner has been waiting for orders of posting for the period from 01.06.2005 to 21.10.2009 in the event of relieving from his service due to abolition of the Tribunal by a State Enactment, it cannot be treated as break in service or out of employment. Therefore, the petitioner is entitled to draw the pay plus special pay, which he would have drawn if he continued in the aforesaid post.

6. Having not been considered the aforesaid Rules in the case of the petitioner and when the benefit of the above rules were extended to the similarly situated persons, the impugned order depriving the entire length of service rendered by this petitioner passed by the first respondent is discriminatory and arbitrary. Hence, the learned counsel for the petitioner prays to quash the impugned order passed by the first respondent.

7. Per contra, the learned Government Advocate appearing for the respondent would submit that as admitted by the petitioner "break in service" is nothing but out of employment period. The learned counsel for the Government submitted that after relieving the petitioner from the Tribunal, the petitioner has not performed any duty in Government department till the date of joining in the Housing & Urban Development in Secretariat. (i.e. 01.06.2005 to 21.10.2009) In these circumstances, the first respondent has passed order that the period from 01.06.2005 to 21.10.2009 i.e. the date after the petitioner's relief from the erstwhile Tamil Nadu Taxation Special Tribunal and the the date prior to his joining in the Housing and Urban Development Department be treated as out of employment period or break in service. It is further submitted by the learned Government Advocate that the Government has specifically not ordered in G.O. Ms. No. 112 dated 18.11.2008 to regularize the period from 01.06.2005 to 21.10.2009 as the petitioner has not performed any work in any Government Department. It was also stated that the Housing and Urban Development Department has to decide as to whether the petitioner's earlier GPF account can be operated since the petitioner is presently working there. Hence, the prayer of the petitioner is liable to be set aside.

8. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the records.

9. On perusal of the Rule 9(3) of Fundamental Rules, it defines that when a Government servant has compulsorily to wait for order of posting, such period of waiting shall be treated as duty and the Government servant is eligible to draw to the pay plus special pay, during the period of compulsory wait or the same the government servant will draw on taking charge of the new post, whichever is less. The benefit of Rule 9(3) of Fundamental Rules has been extended to Mr. V. Sivanandam by proceedings order No. 43388/A1/2011 dated 07.09.2011 passed by the Regional Transport Officer, North East. The order in Tamil is extracted in English hereunder for reference:

Order

Thiru. V. Sivanandam, Office Assistant who had come to this office from the

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general list in the District Collector Office was on Compulsory Wait from 01.06.2008 to 20.08.2008 in the Office of the District Collector.

A proposal requesting to regularize the aforesaid period of 81 days of Compulsory Wait was sent to District Collector. In continuation of that, in the reference 1st cited, instruction had been issued by the District Collector, Chennai to get a requisition from the individual concerned to consider the period of Compulsory Wait of 81 days as earned leave/leave eligible or admissible to the individual and regularize it and to pass orders accordingly.

As per the Service Register of the individual the Earned Leave as on date is 187 days.

Following the consent given by Thiru. V. Sivanandam, Office Assistant in the reference 2nd cited, to treat the aforesaid Compulsory Waiting period of 81 days as Earned Leave and orders have been issued accordingly.

The individual is eligible for salary and other allowances for the aforesaid period. It is certified that appropriate that appropriate entries are made in the Service Register of the individual.

10. The Tamil Nadu Taxation Special Tribunal, by its order in R.C. No. 1584/2000/E4 dated 21.04.2005 had requested the Government to consider the case of the petitioner to regularize his service relaxing the provision of "direct recruitment" appearing in Sl. No. 19 & 20 of Table under Schedule-II (Rule 8), under Rule 35 of the TNTST service Rules, 2000, in favour of the petitioner. The Government did not accept the request. The Commercial Tax Department regularized the service of the two personnels i.e. C.D. Ekambaram and R. Kannan from the period of relieving their duty. No reasons have been given by the Commercial Tax Department in their Counter affidavit as to why, the same benefit given to three personnels i.e. V. Sivanandhan, P. Rajasekaran and M. Devaraj by order in G.O.Ms. No. 17, dated 18.01.2006 issued by the Commercial Taxes and Registration Department regularizing their services by relaxing of relevant rules cannot be extended to the petitioner. In fact, pursuant to the order of this Court, G.O.Ms.112 dated 18.11.2008 has been passed by the First respondent in which the petitioner has been absorbed in the Housing and Urban Development Department stating that the Government has decided to regularize the petitioner's service with effect from 31.08.2000 the date on which he joined in services as Office Assistant. The aforesaid Order in Tamil is extracted hereunder in English for reference:

Order

Thiru. G. Vivek was appointed as Office Assistant temporarily in Tamil Nadu Tax Imposing Special Tribunal. Thereafter, he was promoted as Messenger. The Registrar of the Tribunal had forwarded a proposal for regularization his service. In the meantime, the Tamil Nadu Tax Imposing Special Tribunal was dissolved and Thiru. G. Vivek was relieved from the Tribunal service and kept in the Common Pool of the District Collector for alternative service. As against the same, the individual has filed a W.P. No. 34968 of 2005 before the High Court of Madras wherein the High Court of Madras has passed an order directing to grant benefits granted to Thiru. V. Sivanandham, Thiru. Rajasekaran and Thiru. M. Devaraja, who had worked in the Tamil Nadu Tax Imposing Tribunal, in the light of the above G.O. No. 17, Commercial Tax Department, dated 18.01.2006, read first above, within a period of three months from the date of receipt of a copy of the order.

2. The Government Advocate (Civil) has also offered his opinion that the petitioner is the similarly situated person and the petitioner is to be appointed in any other department as per the order of the High Court of Madras, or else, as against the order passed in W.P. No. 34968 of 2005, an appeal may be preferred.

The Chairman of the Tribunal has opined that on perusal of the order passed by the High Court of Madras dated 24.07.2007, it seems that the benefit of G.O. Ms. NO. 17, Commercial Tax Department, dated 18.01.2006 which was issued for three employees is to be extended to the petitioner also; the petitioner is also a similarly situated person as that of other employees who was appointed along with persons in the Tamil Nadu Tax Imposing Special Tribunal without consultation to the Employment Exchange and hence his services are to be regularized. He also recommended that the analogy followed to Thiru. V. Sivanandham, Thiru. Rajasekaran and Thiru. M. Devaraj, in the light of G.O.Ms. No. 17, Commercial Tax Department, dated 18.1.2006 is also to be followed in the case of the petitioner, Thiru. G. Vivek, Office Assistant also and hence his services are to be regularized.

3. The following qualifications were mentioned in the Rules of the year 2000 of Tamil Nadu Imposing Special Tribunal, in connection with appointment of Office Assistant:

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.....

Thiru. G. Vivek, is in possession of requisite age and educational qualification for appointment to the post of Office Assistant. However, he was appointed by the Chairman of the Tamil Nadu Imposing Special Tribunal without consultation to the Employment Exchange.

4. In these circumstances, on the basis of the Government order read first above and by accepting the recommendation of the Chairman of the Special Tribunal, the rule 8 of the Tamil Nadu Tax Imposing Tribunal, 2000 is relaxed in favour of the the petitioner and it is decided to regularize his services with effect from 31.8.2000 the date on which he joined in services as Office Assistant.

5. In exercise of power conferred in Tamil Nadu Services Consolidation Procedure Book, Volume I and Part II of Tamil Nadu State and Subordinate Service Rules, Rule 48 and 2000 of 1987 and invoking the powers conferred in Rules 35 of Tamil Nadu Tax Imposing Special Tribunal, the Governor is regularizing the services of Thiru. G. Vivek, Office Assistant (Temporary) by relaxing the Rules 8 and 28 (2)(i) of Tamil Nadu Tax Imposing Special Tribunal and order is passed accordingly.

11. A perusal of the above order shows that Rules 8 and 28(2)(i) of Tamil Nadu Tax Imposing Special Tribunal has been relaxed in favour of the petitioner and his service has been regularized with effect from 31.08.2000. i.e. the date on which he joined in services as Office Assistant. If that be so, then Rules 9(3) of the Fundamental Rules applies to the petitioner.

12. In view of the foregoing discussion and having considered the facts and circumstance of the case, the petitioner is entitled to continue in services from June 2005 to October 2009 and that period should be counted towards the service period. Subsequently, the petitioner is entitled to all the benefits during the period from June 2005 to October 2009 as regularized services from the date of appointment on 31.08.2000. In view of the above, the petitioner is entitled to operate the earlier GPF Account as prayed for.

13. Resultantly, the writ petition is allowed. The impugned order passed by the first respondent is set aside. There shall be no orders as to costs. Consequently, connected miscellaneous petition is closed.

or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.

W.P. No. 2199 of 2007 (O.A. No. 2543 of 2001)

P. Velayuthan v. Director of Agriculture

2012 SCC OnLine Mad 400

(BEFORE VINOD K. SHARMA, J.)

**P. Velayuthan, Depot Manager Gr.II Agriculture Extension Centre
Melavinithanallur, Thirunelveli District Petitioner**

v.

- 1. The Director of Agriculture, Chennai 5**
- 2. The Joint Director of Agriculture Nagercoil Respondents**
For Petitioner: Mr. G. Elanchezhian
For Respondents: Mr. R. Ravichandran, A.G.P.

**W.P. No. 2199 of 2007 (O.A. No. 2543 of 2001)
Decided on February 6, 2012**

This petition came to be numbered by transfer of O.A. No. 2543 of 2001 from the file of the Tamil Nadu Administrative Tribunal, for issuance of a writ in the nature of Certiorari, to call for the records connected in Pro.D.Dis.opsl/158507/96 dated 10.5.2000 of the first respondent and quash the same and consequential relief of issuance of a writ in the nature of mandamus, directing the respondent to regularise his service from 30.6.95 to 17.7.1995 as compulsory wait and to grant his salary for the relevant period.

ORDER

The petitioner has approached this Court with the prayer for issuance of a writ in the nature of Certiorari, to quash the order Pro.D.Dis.opsl/158507/96 dated 10.5.2000 passed by the first respondent, with consequential relief of issuance of a writ in the nature of mandamus, directing the respondent to regularise his service from 30.6.95 to 17.7.1995 as compulsory wait and to grant salary for the said period.

2. The petitioner was transferred on 22.6.1995. The petitioner challenged the order of transfer before the learned Tamil Nadu Administrative Tribunal on 1.7.1995. The Tribunal stayed the transfer. In pursuance to the interim order granted by the Tribunal, the petitioner filed representation for permission to join at the original place on posting. The posting order was only issued to the petitioner on 17.7.1995. The petitioner therefore, filed representation for treating the period of absence i.e. 1.7.1995 to 16.7.1995 as waiting period. The respondents did not accept the request of the petitioner and ordered the period to be treated as leave of kind due.

3. The contention of the learned counsel for the petitioner that the action of the respondent is contrary to F.R. 9(6)(3) which reads as under:

"Compulsory Wait for orders of Posting

(3) When a Government servant has compulsorily to wait for orders of posting, such period of waiting shall be treated as duty. During such period, he shall be eligible to draw the pay plus special pay which he would have drawn had he continued in the post he held immediately before the period of compulsory wait or the pay plus special

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pay which he will draw on taking charge of the new post, whichever is less. For this purpose, no temporary post need be created.

The Compensatory allowances shall be reckoned at the rates admissible at the station in which he was on compulsory wait."

4. The petitioner filed representation against the decision of the respondent to treat the period of leave as waiting period, on the ground that in pursuance to the stay order, the petitioner had reported for duty, and it was the respondent who did not allow him to join duty till fresh order of transfer was issued. The representation filed by the petitioner stands rejected. The petitioner preferred an appeal against the order. The appeal was also rejected on 10.5.2005.

5. The petitioner has challenged the order rejecting the representation and the appeal, on the ground that once the order of transfer was stayed by the learned Tamil Nadu Administrative Tribunal and the petitioner had reported for duty along with copy of the stay order, it was not open to the respondent not to allow the petitioner to join duty.

6. The contention of the learned counsel for the petitioner therefore, is that once the fault was with the respondent in not allowing the petitioner to join duty, the petitioner cannot deny the salary for the said period, as the petitioner was not allowed to join duty inspite of presenting himself for the duty.

7. In support of this contention, the learned counsel for the petitioner has placed reliance on the judgment of the Hon'ble Supreme Court in the case of *Electronic Corporation of India v. Sateesh S. Rao Sonawalkar* [(2004) 11 SCC 550] wherein the Hon'ble Supreme Court was pleased to lay down that the period when an employee had reported for duty in pursuance to the stay order granted by the Court, and the respondent failed to take a decision on the joining report submitted by the employee that period has to be treated to be the period on duty, as the action of the respondent would be contrary to the stay order.

8. The case of the petitioner squarely covered by the decision of the Hon'ble Supreme Court referred to above.

9. Consequently, this writ petition is allowed. The impugned order is set aside. A writ in the nature of mandamus is issued directing the respondent to treat the period from 1.7.1995 to 16.7.1995 as a period on duty, and pay salary for the said period to the petitioner.

No costs.

BEFORE THE HON'BLE MAHARASHTRA ADMINISTRATIVE
TRIBUNAL AT BOMBAY
ORIGINAL APPLICATION NO. OF 2024.
DISTRICT: MUMBAI

Vidyasagar Manikrao Hirmukhe,) ... Applicant.

V/s.

1. The State of Maharashtra,)

2. Director, Directorate of Accounts and) ... Respondents.

ORIGINAL APPLICATION

Dated 30th day of August, 2024

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