

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 497 OF 2020  
(Subject – Leave/Recovery)**

**DISTRICT : NANDED**

**Bhujang Vitthalrao Godbole,** )  
Age : 35 Yrs., Occu. : Service as Police )  
Inspector, A.C.B. Office of Superintendent of )  
Police, Nanded, Tq. & District Nanded. ) .... **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,** )  
Through its Additional Police Commissioner,)  
West Regional Division, Bandra (W), )  
Mumbai. )
2. **The Superintendent of Police,** )  
A.C.B. Nanded Range, Nanded. ) ... **RESPONDENTS**

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**APPEARANCE** : Shri V.B. Wagh, Counsel for the Applicant.

: Shri A.P. Basarkar, Presenting Officer for  
respondent authorities.

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**CORAM** : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE** : **20.03.2024.**

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**O R A L - O R D E R**

1. Heard Shri V.B. Wagh, learned counsel appearing for the applicant and Shri A.B. Basarkar, learned Presenting Officer appearing for respondent authorities.

2. Heard finally with the consent of both the parties at the admission stage.

3. By way of this Original Application, the applicant is seeking declaration that he is entitled for the Medical Leave for the period of 112 days i.e. from 09.03.2017 to 28.06.2017 in terms of the provisions of the Maharashtra Civil Services (Leave) Rules, 1981 and to pay the consequential benefits. In this regard the applicant is also seeking quashing and setting aside the impugned communications / orders dated 11.03.2019, 15.07.2019 and 16.08.2019 issued by respondent No. 1 by treating the medical leave as extraordinary leave without pay for the said period and further directing recovery of the said amount from the applicant.

4. Learned counsel for the applicant submits that the applicant has filed short affidavit with the documents at page Nos. 53 to 60 of the paper book. Learned counsel submits that at the time of passing of the impugned communications / orders, the respondent authorities have not considered the said documents. Learned counsel submits that the applicant is ready and willing to file representation afresh along with aforesaid copies of documents for consideration of the respondent authorities and the respondent authorities may be directed to decide the said representation in time bound manner. Learned counsel submits while deciding the said representation afresh,

the respondent authorities should not take earlier impugned orders as obstacle for passing the order afresh on the said representation.

5. Learned Presenting Officer submits that the applicant may file the representation afresh before the respondent authorities. However, the liberty may be granted to the respondent authorities to decide the said representation on its own merits.

6. In view of above, the present Original Application can be disposed of by directing the respondent authorities to consider the representation, if submitted by the applicant along with annexures as aforesaid within a period of two weeks from the date of this order on its own merits as expeditiously as possible and preferably within a period of eight weeks from the date of filing of the said representation without getting prejudiced by the impugned orders. Order accordingly.

7. The Original Application is accordingly disposed of. No order as to costs.

**PLACE : Aurangabad.**  
**DATE : 20.03.2023**

**(Justice V.K. Jadhav)**  
**Member (J)**