

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO.79/2022 (S.B.)**

**Babusing Kanoram Chavan,**  
Aged 61 Yrs, Occ.- Retired,  
R/o Pusad, Dist- Yavatmal.

... **APPLICANT**

**// V E R S U S //**

**1] The State of Maharashtra,**  
Through its Secretary,  
Department of Revenue & Forest,  
Mantralaya, Mumbai-32.

**2] Principal Chief Conservator of Forest,**  
Van Bhawan, Ramgiri Road,  
Civil Lines, Nagpur.

**3] Chief Conservator of Forest (T),**  
Dr. Babasaheb Ambedkar Social Justice Bhavan,  
Yavatmal.

... **RESPONDENTS**

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**Shri N.R. & Mrs. K.N. Saboo, Ld. Counsel for Applicant.**

**Shri V.A. Kulkarni, Learned P.O. for the Respondents.**

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

**Dated :- 20/03/2025.**

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**J U D G M E N T**

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The case of the Applicant in short is as under :-

Applicant is retired Government Servant. Applicant was working as Range Forest Officer. Applicant came to be retired from service on attaining the age of superannuation on 28/02/2018. Applicant was working at Washim. To accommodate another person, applicant was kept on waiting period. On 13/06/2016, he was posted at Mahagaon. Thereafter, applicant was transferred to Pusad on his own request. Applicant did not join at Mahagaon, hence, due to health ground Respondent has decided the period from 22/06/2016 to 22/03/2017 as an extraordinary leave (without pay and allowances). Hence, applicant approached to this Tribunal for the following reliefs:-

*“9.i) To direct the respondent no. 1, State of Maharashtra to decide the pending representation dated 20.12.19 at Annexure A-5, filled by the applicant seeking claim of leave period from 22.06.16 to 22.03.17.*

*ii) Or alternatively by appropriate order to quash and set aside communication dated 22.04.19 issued by Respondent No. 1 at AnnexureA-4.*

*iii) By appropriate order be pleased to allow O.A. with cost.”*

3. Respondents have stated that applicant has not joined at Mahagaon. On his own request, he was transferred to Pusad. Thereafter, applicant joined at Pusad. It is submitted that, applicant remained absent for a long period of 274 days. Therefore, his leave period was treated as extraordinary leave (without pay and allowances). Therefore, the O.A. is liable to be dismissed.

4. During the course of submission, learned counsel for applicant Shri N.R. Saboo has pointed out the proposal submitted by the Additional Principal Chief Conservator of Forest (M.S.), Nagpur dated 20/12/2017. As per this proposal, 282 days half pay leave and 300 days earned leave were balance in the account of applicant. Therefore, there was no hurdle for the respondents to grant the said leave.

5. Ld. P.O. has submitted that applicant had proceeded on leave without any application, but this submission cannot be taken

into consideration in view of the letter dated 02/03/2019 issued by the Chief Conservator of Forest, Yavatmal. In the letter it is mentioned as under:-

“**मुद्दा क्रमांक १:-** श्री बी.के.चव्हाण, तत्कालीन वनक्षेत्रपाल हे अकोला विभागातील वनक्षेत्रपाल (प्रा) वाशिम या पदावर कार्यरत असतांना प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख) म.रा. नागपूर यांचे आदेश क्रमांक २६७ दिनांक २५.०५.२०१६ अन्वये श्री एस.आर.नंदुरकर यांची वनक्षेत्रपाल (प्रा) वाशिम या पदावर पदस्थापनेचा करण्यांत येवुन श्री बी. के. चव्हाण यांना पदस्थापनेचे प्रतिक्रियेमध्ये ठेवण्यांत आले. त्यानंतर या कार्यालयाचे आदेश क्रमांक ८६ दिनांक १३ जुन २०१६ अन्वये त्यांची पदस्थापना वनपरिक्षेत्र अधिकारी (रोहयो) महागांव या रिक्त पदावर करण्यांत आली. दरम्यानचे कालावधीमध्ये प्रकृती ठिक नसल्यामुळे पदस्थापनेचे पदावर रुजू होवु शकलो नाही असे श्री चव्हाण यांनी दि.०८.०९.२०१७ चे विनंती अर्जानुसार कळविले आहे. प्रकृतीमध्ये सुधारणा होत असल्याचे दिसत असतांना त्यांनी दिनांक १८.११.२०१६ रोजी प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख) म.रा. नागपूर यांचेकडे विनंती अर्ज सादर करुन सेवानिवृत्तीस दिड वर्ष शिल्लक असल्याने वनपरिक्षेत्र अधिकारी (फिरते पथक) पुसद या पदावर पदस्थापना करण्यांस विनंती केली. त्यास अनुसरुन प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख) म.रा.नागपूर यांनी त्यांचेकडील पत्र क्रमांक १६८२ दि २७.०२.२०१७ अन्वये प्रस्ताव सादर करण्यांस या कार्यालयास कळविले. त्याप्रमाणे या कार्यालयाकडुन सुधारीत पदस्थापना लागवड अधिकारी, पुसद या रिक्त पदावर करण्यांस प्रस्ताव सादर करण्यांत आला

*असता सदर प्रस्तावास मान्यता प्राप्त झालेवरुन त्याची बदली लागवड अधिकारी, पुसद या पदावर करण्यांत आली.”*

6. Applicant had submitted Medical Certificate about his illness. It is clearly mentioned in the letter dated 22/04/2019. Even though respondent No.1 not considered the same and treated 274 days leave as extraordinary leave (without pay and allowances). Learned Advocate for applicant has pointed out the Judgment in O.A. No. 388/2023, where the same issue was involved and this Tribunal has allowed this O.A with direction to the respondents to grant leave which was in balance in the account of applicant.

7. As per the letter dated 20/12/2017, 282 days half pay leave and 300 days earned leave were balance in the account of applicant. Moreover, the respondents have decided the leave after the retirement of applicant. Hence, the following order:-

### **ORDER**

- (i) The O.A. is allowed;
- (ii) The impugned order dated 22/04/2019 is hereby quashed and set aside;

- (iii) The respondents are directed to grant leave of 274 days from the leave which are / were balanced in the leave account of applicant and to pay the consequential benefits of the said period;
- (iv) The respondents are directed to comply the order within a period of three months from the date of receipt of this order;
- (v) No order as to costs.

**(Justice M.G.Giratkar)**  
**Vice Chairman.**

**Dated :-20/03/2025.**  
**PRM.**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Piyush R. Mahajan.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 20/03/2025.