

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 1069 of 2019 (S.B.)**

Amita Madhukarrao Khandare,
 Aged 60 years, Occupation: Retired,
 R/o. Mahsul Colony, Karanja Lad,
 Tah. Karanja Lad, District Washim.

Applicant.**Versus**

- 1) The State of Maharashtra,
 Through its Secretary, Revenue and Forest Department,
 Mantralaya, Mumbai - 32.
- 2) The Divisional Commissioner,
 Amravati Division, Amravati.
- 3) The Collector,
 Washim, District Washim.
- 4) The Sub Divisional Officer,
 Karanja Lad, Tah. Karanja Lad, District Washim.
- 5) The Tahsildar,
 Karanja Lad, Tah. Karanja Lad, District Washim.

Respondents.

Shri T.U. Tathod, Advocate for the applicant.
Shri A.P. Potnis, learned P.O. for respondents.

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

Dated :- 14/06/2024.

J U D G M E N T

Heard Shri T.U. Tathod, learned counsel for the applicant
 and Shri A.P. Potnis, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was promoted as Naib Tahsildar on 19/12/2012. She was transferred from the post of Naib Tahsildar, Karanja to the post of Naib Tahsildar, Murtijapur, District Akola. The transfer order was challenged before this Tribunal. The transfer order was not stayed. The applicant could not join on the transferred post, therefore, she applied for earned leave. The earned leave is granted by the respondents.

3. It is the contention of the applicant that other than earned leave be granted or in the alternative direct the respondent no.2 to decide the representation dated 08/09/2017. Hence, the applicant has filed the present O.A. for the following reliefs –

“(9) (i) Direct the respondent no.2 to reconsider the claim of the applicant in respect of grant of leave other than the earned leave or in the alternative direct the respondent no.2 to decide the representation dated 08.09.2017 (Annexure-A9) made by the applicant.

4. The respondent nos. 2,4 and 5 have filed reply and denied the contention of the applicant. It is submitted that the applicant was absent from duty for about 349 days without any application. The applicant had not filed any medical certificate for unauthorised absence and therefore the respondents have granted earned leave instead of medical leave.

5. The action of the respondents for granting earned leave is perfectly legal and correct. Hence, the O.A. is liable to be dismissed.

During the course of submission, the learned counsel for the applicant has submitted that instead of earned leave, other leave such as medical leave etc. can be granted. The learned P.O. strongly objected the O.A.

6. Nothing is on record to show that there was any stay granted by this Tribunal to the transfer order. The applicant was unauthorizedly absent for about 349 days. She applied for medical leave without any medical certificate and therefore the respondents have granted earned leave. The order of granting the earned leave by respondents cannot be said to be illegal. When the employee seeks medical leave, then medical certificate should be accompanied by Form Nos.4 and 5. The applicant not produced any document to show that she was under the treatment of any Doctor. She has not produced any medical certificate to show that she was ill for about 349 days. There is nothing on record to show that there was any stay granted by this Tribunal to the transfer order. Hence, the O.A. is without any merit. Therefore, the following order is passed –

ORDER

(i) The O.A. is dismissed with no order as to costs.

Dated :- 14/06/2024.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 14/06/2024.