

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.**

ORIGINAL APPLICATION NO.306 OF 2017

DISTRICT : NASHIK

Smt. Gajara R. Gujarathi,)
R/o. C-wing, Spring Valley Housing)
Society, Bodhale Nagar, Nashik 11.).....**Applicant**

VERSUS

1. State of Maharashtra, through)
The Secretary, Public Health Dept.,)
Mantralaya, Mumbai – 400 032.)
2. The Director of Health Services,)
Arogya Bhawan, St. Georges Hosp.)
Compound, P'Demelo Rd., Mumbai 1)
3. Dy. Director of Health Services,)
Nashik Circle, Nashik.).....**Respondents**

Shri R.M. Kolge, the learned Advocate for the Applicant.

Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Shri B.P. Patil, Member (J)

DATE : 09.11.2017

ORDER

1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant has prayed to issue direction to Respondent No.1 to release her salary for the period from 26.02.2014 to 28.02.2014 i.e. for three days by filing the present Original Application.

3. It is her contentions that during that period she was on leave and but she actually worked on those days.

4. The respondents by filing the reply contended that the applicant was not on duty during that period. The Medical Superintendent, Sub District Hospital, Manmad passed the order on 09.04.2014 and granted extra-ordinary leave to the applicant. Therefore, the salary for the period from 26 to 28.02.2014 has not been paid to her.

5. On perusal of the record, it reveals that after passing the order dated 09.04.2014 by Medical Supt., Sub District Hospital, Manmad, the applicant filed an application/representation before the Deputy Director of Health Services, Nashik Circle, Nashik. On 24.07.2014, the Dy. Director of Health Services, Nashik has passed the order and directed the Medical Superintendent, Sub District Hospital, Manmad to treat the said period as duty period and grant admissible leave to the applicant and issue Non Drawn Certificate accordingly.

6. Learned P.O. has submitted that Dr. Shri Narawde, Medical Superintendent, Sub District Hospital, Manmad is present today. She has submitted that Dr. Narawale undertakes to pass the necessary order after the applicant files an application for granting admissible leave.

7. Learned P.O. has further submitted that the Medical Superintendent, Manmad will pass the order on leave application of the applicant immediately on receipt of the application and issue Non Drawn Certificate to the concerned within three days thereafter.

8. Learned Advocate for the applicant has submitted that he has no instruction from the applicant, however, he will instruct the applicant to file leave application in the requisite format for grant of admissible leave for the period from 26 to 28.02.2014. He has submitted that necessary directions should be given to the Medical Superintendent, Sub District Hospital, Manmad to pass the order on that application and with that direction, the O.A. may be disposed of.

9. Considering the submission made on behalf of the applicant and respondents, it is just to dispose of the O.A. with a direction to the applicant to file an application for grant of admissible leave for the period commencing from 26 to 28.02.2014 to Medical Superintendent, Sub District Hospital, Manmad to direct the Medical Superintendent, Sub District Hospital, Manmad to pass necessary order on the leave application in view of the direction given by the Dy.

Director of Health Services, Nashik by letter dated 24.07.2017 to grant admissible leave to the applicant within three days and to issue Non Drawn Certificate to the concerned within three days thereafter. No order as to costs.

10. Accordingly, the Original Application is disposed of with the above direction. No order as to costs.

Sd/-
(B.P. PATIL)
MEMBER (J)
09.11.2017

Date : 09.11.2017

Place : Mumbai

Dictation taken by : VSM

E:\VSO\2017\November 17\Nov 17\O.A.306 of 17-leave (BMJ).doc

