

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD**

WRIT PETITION NO. 1306 OF 2015

Smita Sudhakar Bagul

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Ms Sabahat T. Kazi, Advocate for the Petitioner.

Shri G. K. Thigle, Addl.G.P. for Respondent Nos. 1 and 2.

Shri Rahul S. Pawar, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 13TH JULY, 2015.

PER COURT :

. Ms. Kazi, the learned counsel for the petitioner submits that, the punishment that was imposed upon the petitioner was reduced by the appellate authority. The appeal was partly allowed. The punishment given by way of stoppage of increment was reduced to the extent of admonition and the period of absence was directed to be considered as admissible leave. According to the learned counsel, the petitioner is required to be paid salary for a period from 29.07.2008 to 19.06.2009.

2. Mr. Pawar, the learned counsel for the respondent/Zilla Parishad submits that, the order of appellate authority is complied with. Only 94 days leave was available to the credit of the petitioner and salary for the said period is paid and for remaining period leave

was not admissible, as such salary for the said period is not paid.

3. The learned A. G. P. also states that the said order is inconformity with Chapter V of the Maharashtra Civil Services (Leave) Rules, 1981 (hereinafter referred as to the “Said Rules” for the sake of brevity), which deals with leave due and admissible.

4. Rule 61 of the said Rules is dealing with leave not due and Rule 63 of the said Rules is dealing with extraordinary leave. The appellate authority has considered the case of the present petitioner and had ordered that the absence of the petitioner from 29.07.2008 to 19.06.2009 should be considered as admissible/due leave. The petitioner had 94 days leave to her credit. The salary for the said period has been paid. The rest of the leave was not to the credit of the present petitioner, as such salary for the said period could not have been paid. There is no grievance that for 94 days salary is paid.

5. In the light of the above, the order dated 09th July, 2014 (page 27) would be in consonance with the order of the appellate authority passed on 04.06.2014.

6. In the light of that, the writ petition stands disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]