

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11813 OF 2016

1. Ayurved Shastra Seva Mandal
F-2, Visharam Bag, Ahmednagar,
Through its Secretary,
Dr.Vijaykumar Manakchand Bhandari,
Age-55 years, Occu-Medical Practitioner,
R/o Station Road, Ahmednagar,
2. Gangadhar Shastri Bune Ayurved
Mahavidyalaya, Vishrambag,
Ahmednagar, (Through its Principal),
Smt.Sangita Rameshrao Nimbalkar
Age-45 years, Occu-Service,
R/o Ahmednagar, Dist.Ahmednagar -- PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya Mumbai - 400 032,
2. Maharashtra University Health Sciences,
Vani Road, Mhasrul, Nashik 422004
3. Vd.Shridhar Jakhuji Darekar,
Age-59 years, Occu-Medical Practitioner,
R/o Prasad Pharmacy, Near Kinetic Chowk,
Station Road, Ahmednagar -- RESPONDENTS

Mr.V.S.Bedre, Advocate for the petitioners.
Mrs.S.S.Raut, AGP for respondent No.1.
Mr.K.C.Sant, Advocate for respondent No.2.
Mr.S.T.Shelke, Advocate for respondent No.3.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 06/02/2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioners are aggrieved by the decision of the Grievance Committee, by which it was recommended to the Management Council of the Maharashtra University of Health Sciences that the leave of respondent No.3 from 10/03/2014 to 22/03/2014 and 27/03/2014 to 26/04/2014 be treated as 'Earned Leave'.

3. There is no dispute that respondent N.3, who has now superannuated, had made an application for leave. The said application was rejected. It appears that respondent No.3 found it necessary to avail of the said leave. The petitioner/Management has taken a stand that his leave applications have been rejected. Consequentially, respondent No.3 had approached the Grievance Redressal Committee.

4. I have gone through the reasons assigned by the Committee. Considering the well reasoned order, the Management Council accepted the recommendation of the Committee and directed the petitioners to grant earned leave to respondent No.3 for the period

mentioned therein.

5. I also find that the application of respondent No.5 was rejected by the petitioners only because it was not filed 5 days prior to the proposed leave. It is equally undisputed that respondent No.3 had pleaded for granting earned leave and consequentially the period of leave as is granted by the Grievance Committee, would be debited to the earned leave accumulations of respondent No.3.

6. Considering the above, I do not find that the said decision of the Grievance Committee which has been accepted by the Management Council by its order dated 14/08/2015, could be termed as being erroneous or perverse. As such, this petition, being devoid of merit, is therefore dismissed. Rule is discharged.

7. Considering the fact that respondent No.3 has retired from service, it is expected that the petitioner/Management would make the said payment of earned leave within a period of 6 (six) weeks from today.

(RAVINDRA V. GHUGE, J.)