



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 299 OF 2025

(Prashant Krishnarao Upadeo Vs. Vidharbha Konkan Gramin Bank, Nagpur and anr)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.R. Deo, Advocate for petitioner.
Mr. V.A. Bramhe, Advocate for respondent No.1

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 07-04-2025

We have heard the petition finally on 20.1.2025 and recorded the following position.

It is contended that though the petitioner had applied for sick leave in terms of Regulation 62 of the Service Regulations (Pg.55), instead thereof extraordinary leave has been granted to the petitioner, which could not have been done as the reason for not granting sick leave, which is non-submission of hospital bills, is not justified, in view of Clause (iii) of the 2nd proviso to Regulation 62(2) of the Service Regulations which mandates that the sick or medical leave may be availed of only on production of medical certificate issued by a recognized medical practitioner acceptable to the Bank, which was accordingly submitted (Pg.62). Issue notice for final disposal, returnable on 03/02/2025.

2. Mr. Bramhe, learned counsel for respondent No.1 does not dispute, that the service rules governing the petitioner in terms of the notification dated 28.10.2013 vide rule 62(2)2nd Proviso clause III permits sick or medical leave to be availed of, only on the production of the medical certificate, issued by recognized medical practitioner, acceptable to the bank. He also does not

dispute that the certificate dated 26.2.2019 (p62) satisfies the said requirement. That being the position, there was no reason for the respondents to have denied the sick leave to the petitioner, and in its place granting extraordinary leave, in view of which, we allow the petition by directing respondents to treat application of the petitioner, as an application for sick leave and grant the same in terms of the aforesaid rule and also release all consequential benefits as a result thereof.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede