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O.A. NO. 355 OF 2000

ORDER DATED 14-05-2002.

Applicant proceeded on leave on medical grounds; apparently before the leave was granted to him. Upon spending the leave period, the applicant resumed his duties with a medical certificate. The Respondents did not grant medical leave on the ground that the Applicant did not submit medical certificate from a Authorised Medical Attendant(in short AMA) and in the said premises, the Respondents treated the entire leave period to be Earned Leave.

The Advocate for the Applicant, Mr. Phalsamant, has drawn my attention to Rule 7(2) of CCS(Leave) Rules, 1972 which is extracted below:

"When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that Authority to alter the kind of leave due and applied for except at the written request of the Government Servant".

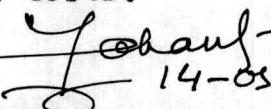
On the face of the aforesaid statutory provisions, the Authorities/Respondents could not have altered the leave prayed for by the Applicant to that of Earned Leave. Therefore, the Respondents, either could have refused the leave or called upon the Applicant to produce the Medical Certificate from Authorised Medical Attendant. Having heard the Counsel for the Applicant and Learned Senior Standing Counsel (Central) Mr. A. K. Bese, this Original Application is disposed of with a direction to the Respondents

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O.A.No.355/2000

to recall the order dated 11th September, 1998 under Annexure-1 and call upon the Applicant to cause production of a Medical certificate from a competent/authorised (A.M.A) Doctor and in the event of failure of the Applicant to substantiate his claim, by producing the certificate from a competent/authorised person, take further action as per the statutory provisions.

In the result, therefore, this Original Application is allowed to the extent stated above. No costs.


14-05-2002
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)