

**Claim Petition No. 57/NB/DB/2021**

**Santosh Kumar Budlakoti**

**Vs.**

**State of Uttarakhand & others**

Dated: 24.08.2022

(Virtual)

Present: Sri D.S.Mehta, Advocate, for the petitioner  
Sri Kishore Kumar, A.P.O. for the respondents

Heard learned Counsel for the parties.

Learned Counsel for the petitioner states that the Medical Board had not given any definite opinion about the petitioner, but still the learned District Magistrate, Udham Singh Nagar has treated the petitioner to be absent in unauthorized manner. The pay of the petitioner from 23.09.2017 to October, 2017 (39 days) has been treated to be drawn without sanction and the same has been recovered from the petitioner's gratuity.

The petitioner had sufficient balance of Medical Leave as well as Earned Leave beyond 300 days encashment against which, this period of 39 days could have been adjusted. The petitioner desires to make a fresh representation to the District Magistrate, Udham Singh Nagar and he confined his prayer to the extent that the same may be considered by the District Magistrate, Udham Singh Nagar without being biased by the impugned order dated 30.03.2021 (Annexure no. 1 to the claim petition). Learned A.P.O. has no objection to such innocuous prayer of learned Counsel for the petitioner.

In view of the above, it is directed that the petitioner shall make a fresh representation to the respondent no. 2 for adjusting the period of 39 days against his balance Medical Leave/Earned Leave at the time of retirement, within a period of one month from the date of this order and the respondent no. 2 may pass appropriate orders on the same, in accordance with the rules, without being biased by the earlier order dated 30.03.2021, within a period of three months thereafter.

The claim petition is, accordingly disposed of. No order as to costs.

RAJEEV GUPTA  
VICE CHAIRMAN (A)

RAJENDRA SINGH  
VICE CHAIRMAN(J)

KNP