MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 273 of 2018 (S.B.)

(1) Ramesh S/o Narayanrao Mohorkar,
Aged about 57 years,
R/o Mouzar, Tahsil Ner, Dist. Yavatmal.

(2) Rambhau Baburaoji Sawale,
Aged about 53 years,
R/o Pimpalgaon, Duhha, Post Kolhura,
Tahsil Nar, Distt. Yavatmal.

Applicants.

Versus

1) The State of Maharashtra,
through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai-32.

2) Principal Chief Conservator Forest (Administration),
"Van Bhawan", Ramgiri Road, Civil Lines,
Nagpur-440 001.

3) Chief Conservator of Forest (Regional),
Office at Ambedkar Bhavan,
Yavatmal-445 001.

Respondents.

N.R., K.N. Saboo, Advocates for the applicants.
Shri M.I. Khan, learned P.O. for the respondents.

Coram :- **Hon'ble Shri Justice M.G. Giratkar,**
Vice Chairman.

Dated :- 21/12/2022.

JUDGMENT

Heard Shri N.R. Saboo, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the respondents.

2. The case of the applicants in short is as under –

The applicant no.1 and deceased applicant no.2 were working on daily wages in the Forest Department since last more than 20-23 years.

3. The respondent no.3 forwarded the list of Van Majoors to be absorbed in a regular service. Thereafter the Government of Maharashtra issued G.R. dated 16/10/2012 for absorption of Van Majoor. One of the condition in the G.R. is that Van Majoors who were working on EGS are not to be regularised. The respondent no.3 again submitted the list and shown the applicant no.1 and deceased applicant no.2 working on EGS and therefore they are not regularised.

4. It is contention of the applicants that they were not engaged by Revenue Authority, no list was forwarded by Tahsildar / Collector to engage them on EGS. They were working as Van Majoor. Therefore, prayed for regularisation as per the G.R. dated 16/10/2012.

5. The O.A. is strongly opposed by the respondents. It is submitted that the applicant / deceased employee were working on EGS. As per the conditions in the G.R. dated 16/10/2012, Van Majoors who were working on EGS are not eligible to regularise in the Forest Department. Hence, the O.A. is liable to be dismissed.

6. Heard Shri N.R. Saboo, learned counsel for the applicants. He has pointed out the Judgment of this Tribunal in O.A.

17/2019 with connected O.As. This Tribunal has remanded the matters with direction to the respondents / Forest Department to make inquiry as to whether they were really working on EGS or not.

7. The conditions in the G.R. dated 16/10/2012 are reproduced below –

1) वन विभागातील दि.1.11.1994 ते दि.30.06.2004 पर्यंत सलग पध्दतीने किंवा तुटक तुटक रित्या प्रतिवर्षी किमान 240 दिवस याप्रमाणे किमान पाच वर्ष काम केलेल्या 5089 रोजंदारी कामगारांपैकी दि.01.06.2012 ला कामावर असण्यास पात्र ठरणा–या कामगारांना मंत्रीमंडळाच्या निर्णयाप्रमाणे खालील अटी व शर्तीच्या अधिन राहून कायम करण्यात यावे.

   i. त्यांना पूर्वीचे वेतन व तद्अनुषंगीक लाभ देय होणार नाही.

   ii. त्यांना दि.01.06.2012 रोजी प्रचलित सेवानिवृत्ती वेतन व महाराष्ट्र नागरी सेवेच्या तरतुदी लागू राहतील.

   iii. उपरोक्त 5089 रोजंदारी कामगारांना कायम करण्यांत यावे तथापी कुठलाही आर्थिक लाभ देण्यापूर्वी कायम करावयाचे सदर 5089 कामगारांची नावनिहाय व विभागनिहाय अंतिम यादी शासनास सादर करण्यात यावी.

2) पाच वर्षाच्या सलग सेवेंच्या कालावधीची गणना करताना वन विभागातील योजनाअंतर्गत / योजनेत्तर योजनेवर रोजंदारी मजुरांनी प्रत्येक वर्षात 240 दिवस काम केलेले असावे. याकरिता 5 वर्षाचा कालावधी मोजतांना रोजगार हमी योजना किंवा रोजगार हमी देणा–या तत्सम योजनेवर केलेल्या कामाचे दिवस विचारांत घेण्यात येवू नयेत.

8. In view of the Judgment of this Tribunal, the following order is passed –

ORDER

1) The O.A. is partly allowed.
2) The respondents are directed to consider the cases of the applicant / legal heirs carefully and decide as to whether they are entitled for regularization as per G.R. dated 16.10.2012.
3) The respondents are directed to make the inquiry as to whether they were working on E.G.S..
4) Opportunity be given to the applicant / legal heir in the inquiry.
5) Respondents are directed to provide the documents of the applicant / deceased according to the list forwarded by Tahsildar to provide work to the applicants/ deceased on E.G.S..
6) The respondents are directed to decide the claim of the applicant / deceased **within a period of six months.**
7) No order as to costs.

Dated :- 21/12/2022.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam
Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 21/12/2022.