

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/ 654 /2016  
Maharashtra Administrative Tribunal  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.

Date : 16 FEB 2016

**ORIGINAL APPLICATION Nos. 621 & 622 of 2014.  
(Sub :-Appointment)**

1. Mr. Johny Y. Khedekar, (O.A. No. 621/2014)
  2. Mr. Ramesh L. Dhuri, (O.A. No.622/2014)
- C/o. Shri K.R. Jagdale, Advocate for the Applicants.

**....APPLICANT/S.**

**VERSUS**

- 1 The Chief Conservator of Forest & Director, Sanjay Gandhi National Park, Borivali.
- 2 The Deputy Conservator of Forest, Sanjay Gandhi National Park, Borivali.
- 3 The Principal Secretary, Forest Dept., Mantralaya, Mumbai.

**...RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 15<sup>th</sup> day of **February, 2016** has made the following order:-*

APPEARANCE : Shri. K.R. Jagdale, Advocate for the Applicants.  
Smt. K.S. Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**  
**HON'BLE SHRI R.B. MALIK, MEMBER(J).**

DATE : **15.02.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

*Mural*  
*16/2/2016*  
**Research Officer**

**Maharashtra Administrative Tribunal,  
Mumbai.**

O.As. No.621 & 622 of 2014

Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Both these OAs can be disposed off at this stage itself. We must note at the outset with appreciation that the task of disposing off this OAs by this common order has become easier in view of a clear and categorical affidavit filed by Shri Vikas Kharage, Secretary (Forests), Revenue & Forest Department, Mantralaya, Mumbai.

3. These two OAs came to be filed for substantially the same relief viz. for directions to the respondents to appoint the applicants on the post of Forest Labour (Van Majoor) as Watchman Group D Class IV on permanent basis.

4. A very detailed statement of facts is really not necessary to be made. The applicants were earlier working in the same capacity on temporary basis on daily wages for which the chart has been provided in Shri Vikas Kharage's affidavit in para 9. When it came about to regularize them a pending criminal prosecution apparently proved to be a stumbling block. This happened despite the fact that the applicant in OA No.621/14 was discharged by the Metropolitan Magistrate. The applicant in OA No.622/14 was acquitted by the Court of Sessions. That disabling factor, therefore, ceased to exist in case of both the applicants.

5. The applicants have raised several points including that of hostile discrimination in view of the facts stated in the OA. However, as indicated at the outset it may not be necessary now to closely examine any other aspect of the matter because the affidavit of Shri Vikas Kharage generally and with particular reference to para 15 in case of both these

applicants would make it clear that for all one knows a decision which may not leave the applicants' <sup>aggrieved</sup> grievance will be taken. In order to facilitate the same, some time limit will be fixed by us and for the sake of facility the above referred para 15 needs to be fully reproduced herein below:

"15. I further say and submit that the Applicant has been denied the benefit of the GR because he had been indicted in a criminal offence although the criminal proceeding terminated in his favour. From the record as produced by applicant it is seen that the criminal case against the applicant is registered in 2002 and its judgment is delivered in 2007 and the appointment of the applicant to the supernumerary post of Forest Labourer is to be considered from 1.6.2012. Upon consideration of the above facts, the Committee at Sanjay Gandhi National Park division which is scrutinizing the eligibility of the casual labourers for regular permanent employment is being directed by Government to review the case of the Applicant suitably, in the background of the observations made in this affidavit."

6. These OAs are disposed off with a direction to the respondents to complete the review referred to in para 15 above quoted within three months from today and communicate the outcome to the applicant within one week thereafter. The parties are represented and, therefore, separate notice will not be necessary and the time begins to run from just now. No order as to costs. Hamdast.

*sd/*  
(R.B. Malik)

Member (J)  
15.2.2016

(sgj)

*sd/*  
(Rajiv Agarwal)

Vice-Chairman  
15.2.2016

TRUE COPY  
*Malik*  
16/2/2016  
Asst. Registrar / Research Officers  
Maharashtra Administrative Tribunal  
Mumbai