

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.214 OF 2022

With

ORIGINAL APPLICATION NO.215 OF 2022

With

ORIGINAL APPLICATION NO.216 OF 2022

DISTRICT: NASHIK
**SUBJECT: Arrears of salary &
Increment**

ORIGINAL APPLICATION NO.214 OF 2022

Shri Sunil T. Motkari,)
Aged 50 yrs, Occ : Forest Guard, Range Forest Officer)
Social Forestry, Tal. Igatpuri, Dist. Nashik.)
R/atFlat No.7, Aarti Apartment, behind Vinayak Caffe,)
Suchita Nagar, Nashik 9.)... **Applicant**

Versus

1) The Chief Conservator of Forest (Territorial),)
Nashik, having office at 'Arannya Sankul', Old)
Mumbai-Agra Rad, Trymbak Naka, Nashik 2.)
2) The State of Maharashtra,)
Through Additional Chief Secretary, Revenue &)
Forest Department (Revenue), Mantralaya,)
Mumbai 32.).. **Respondents**

ORIGINAL APPLICATION NO.215 OF 2022

Shri Bhagwan K. Kanoje)
Aged 45 yrs, Occ : Clerk, Range Forest Officer)
Harsul, Tal. Tryambakeshwar, Dist. Nashik,)... **Applicant**

Versus

1) The Chief Conservator of Forest (Territorial),)
Nashik, having office at 'Arannya Sankul', Old)
Mumbai-Agra Rad, Trymbak Naka, Nashik 2.)

- 2) The State of Maharashtra,)
 Through Additional Chief Secretary, Revenue &)
 Forest Department (Revenue), Mantralaya,)
 Mumbai 32.).. **Respondents**

ORIGINAL APPLICATION NO.216 OF 2022

- Shri Sharad G. Sirsat, since deceased through his)
 Legal heir widow by name Smt. Chhaya S. Sirsat,)
 Aged 53 yrs, Occ : Household, R/o. N-32, P-1-1,)
 CIDCO, Ganesh Chowk, Panchvati, Nashik 3.)... **Applicant**

Versus

- 1) The Chief Conservator of Forest (Territorial),)
 Nashik, having office at 'Arannya Sankul', Old)
 Mumbai-Agra Rad, Trymbak Naka, Nashik 2.)
- 2) The State of Maharashtra,)
 Through Additional Chief Secretary, Revenue &)
 Forest Department (Revenue), Mantralaya,)
 Mumbai 32.).. **Respondents**

Shri A. V. Bandiwadekar, Advocates for Applicants.

Shri. A.J. Chougule Presenting Officer for Respondent No.1

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 02.03.2023

JUDGMENT

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officers for the Respondents.

2. When the matters are heard for some time, it is transpired that the issue of absorption/regularization is not yet decided by the Government though proposal is forwarded to the Government by Chief Conservator of Forest (Territorial), Nashik (Respondent No.2).

3. The Applicant in O.A. No.214/2022 was appointed as Class-IV employee in 1993. Whereas in O.A.No.215/2022, the applicant was appointed as Class-IV employee in 1998. The Applicant in O.A.No.216/2022 is the legal heir of deceased Sharad Shirsat who was appointed in service as Class-IV employee in 1992. They seem to have been appointed in terms of Circular dated 14.04.1981. Later, they were terminated from service without giving notices or opportunity of hearing in 2013. Therefore, they have filed O.A.Nos.118, 119 & 120/2014 before this Tribunal. Those were decided with connected O.As on 04.07.2014. In Para no.17, the Tribunal observed that they could not have been dismissed or terminated on the ground that their initial appointment was illegal. The order of termination was accordingly quashed and set aside. However, as regard absorption, the Tribunal observed that it can be considered by the Government. Consequent to decision rendered by the Tribunal, the Applicants were reinstated in service and continued till date. Thereafter, they made applications for all other consequential service benefits at par with regular Government servants. However, the Chief Conservator of Forest, Nagpur by his letter dated 04.10.2021 informed to the authorities that since the decision of regularization/absorption is pending at the level of Government, they should not be given any other service benefits except GPF and GIS.

4. It is on the above background, the Applicants have filed this O.A. challenging communication dated 04.10.2021.

5. During the course of hearing, it is transpired that the Chief Conservator of Forest, Nagpur has already forwarded the proposal to the Respondent No.2 on 31.01.2022 for the decision. In proposal, he stated that there are 140 employees who are appointed in terms of Government Circular dated 14.04.1981 and 10.12.1981. He also mentioned that their appointment cannot be termed illegal. However, he referred the matter to the Government for decision.

6. Learned P.O. on instructions submits that the proposal is under consideration of Respondent No.2 and views of G.A.D. is called. He, therefore, submits that O.A. is premature since the issue is pending with the Government and unless the Applicants are absorbed in service, they cannot claim relief sought in the O.A. He, further submits that O.A. be disposed of with reasonable time so that in the meantime, the Respondent No.2 would take final decision in the matter.

7. Learned Counsel for the Applicants also concedes that since the decision is not taken by the Government and it is not relating to three Applicants only but it is the question of absorption of 140 employees.

8. In earlier round of litigation i.e. O.A.No.118/2014 & Ors., the Tribunal left the issue of regularization to the Government for appropriate decision. This O.A. is also not for absorption/regularization.

9. In view of above, the Original Applications deserve to be disposed of with suitable directions.

10. The O.A. is disposed of with directions to Respondent No.2 to take final decision in respect of proposal dated 31.01.2022 forwarded by Chief Conservator of Forest, Nagpur within four months from today in accordance to law and the decision as the case may be, shall be communicated to the Applicants. If they felt aggrieved, they may avail further legal remedy in accordance to law.

11. No order as to costs.

Sd/-
(A.P. KURHEKAR)
Member-J

Place : Mumbai
Date : 02.03.2023
Dictation taken by : *Vaishali S. Mane*

O.