

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 17/2019 with C.A.No.168/2020 (S.B.)**

1. Bandu S/o. Ramchandra Baviskar,
Aged about 56 years,
R/o.Babapur, Post Kayar, Tq. Wani, Distt.Yavatmal.
2. Tulshiram S/o. Bhagwan Meshram,
Aged about 51 years,
R/o. Babapur, Post Kayar,
Tq. Wani, Distt.Yavatmal.
3. Uddhav S/o. Punjaram Milmile,
Aged about 56 years,
R/o. Mahagaon, Post. Kumbha, Tq. Maregaon, Distt. Yavatmal.
4. Prakash S/o. Hanumant Nandekar,
Aged about 51 years,
R/o. Parwa Deshmukh,
Tq. Ghatanji, Distt. Yavatmal.

Applicant.

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue & Forest,
Mantralaya, Mumbai -32.

2. Principal Chief Conservator
Forest (Administration), "Van
Bhawan" Ramgiri Road, Civil Lines,
Nagpur-440001.
3. Chief Conservator of Forest,
(Regional), Office at Ambedkar Bhavan,
Yavatmal-445001.

Respondents

Shri N.R.Saboo, Ld. counsel for the applicant.
Shri A.M.Ghogre, Ld. P.O. for the respondents.

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

Dated: - 09th November 2022.

With

ORIGINAL APPLICATION NO. 18/2019 with C.A.No.169/2020

1. Manik S/o. Laxman Parache,
Aged about 52 years,
R/o. Bhadumari, Post Botha,
Tq. Pandharkawada, Distt. Yavatmal.
2. Prabhakar S/o. Namdeo Gedam,
Aged about 53 years, R/o. Jamb,
Tq. Ghatanji, Distt. Yavatmal.
3. Tamba S/o. Motiram Meshram (Dead),
Through his legal heirs
 - i. Smt. Sarubai wd/o Tamba Meshram,
Age about 60 years,

- ii. Ravindra S/o Tamba Meshram,
Age about 32 years,
Both are R/o. Taroda Post Kurli,
Tq. Ghatanji, Dist.Yavatmal.
4. Parasram S/o. Faku Tajane,
Aged about 51 years,
R/o. Purad, Post Nerad,
Tq. Wani, Distt. Yavatmal.
5. Bhumanna S/o. Ramlu Kannalwar,
Aged about 57 years,
R/o. Sawargaon, Post Wagara,
Tq. Ghatanji, Distt. Yavatmal.
6. Gajanan Santosh Mohurle,
Aged about 29 years,
R/o. Wagara, Tq. Ghatanji, Distt. Yavatmal.
7. Kisan S/o. Mahadev Shende,
Aged about 54 years,
R/o. Ramnagar, Post Wagara,
Tq. Ghatanji, Distt. Yavatmal.
8. Jaywant S/o. Keshavrao Bedadewar,
Aged about 49 years,
R/o. C/o. Dr. Rajendra Deshpande,
Ganeshpur Road, Post Wani, Distt. Yavatmal.
9. Tukaram S/o. Dadarao Atram,
Aged about 53 years,

- R/o. Kurli, Tq. Ghatanji, Distt. Yavatmal.
10. Vitthal S/o. Malku Parchake,
Aged about 57 years,
R/o. Kaleshwar, Post Jamb,
Tq. Ghatanji, Distt. Yavatmal.
 11. Shankar S/o. Krushnaji Thawari,
Aged about 47 years,
R/o. Babapur, Post Kayar,
Tq. Wani, Distt. Yavatmal.
 12. Suresh S/o. Gangaram Bhoyar,
Aged about 50 years,
R/o. Pathri, Post Kurai,
Tq. Wani, Distt. Yavatmal.
 13. Mahesh S/o. Dhondu Khiradkar,
Aged about 50 years,
R/o. Kurai, Tq. Wani, Distt. Yavatmal.
 14. Dipak S/o. Krushnaji Mandhre,
Aged about 48 years,
R/o. Mardi, Tq. Maregaon, Distt. Yavatmal.
 15. Bhaurao S/o. Dadaji Balki,
Aged about 56 years,
R/o. Kolgaon, Tq. Maregaon, Distt. Yavatmal.
 16. Namdeo S/o. Babluji Dhore,
Aged about 45 years,

- R/o. Borgaon, Tq. & Distt. Yavatmal.
17. Pundalik S/o. Deorao Meshram,
Aged about 46 years,
R/o. Rasa, Tq. Kalamb, Distt. Yavatmal.
18. Gangaram S/o. Maroti Meshram,
Aged about 48 years,
R/o. Kayar, Tq. Wani, Distt. Yavatmal.
19. Deorao Kashinath Agirkar (Dead),
Through his legal heirs
- i. Smt. Parvata Wd/o Deorao Agrikar,
Age about 57 years,
 - ii. Shri.Dilip S/o Deorao Agrikar,
Age about 42 years,
 - iii. Shri. Pradip S/o Deorao Agrikar,
Age about 38 years,
All are R/o. Kalmana, post Chikhali,
Tq. Wani, Distt. Yavatmal.
20. Tukaram S/o. Letu Dadanje,
Aged about 50 years,
R/o. Pendhri, Tq. Maregaon, Distt. Yavatmal.
21. Purushottam S/o. Zitru Atram,
Aged about 59 years,
R/o. Kalamana, Post Chikhli,
Tq. Wani, Distt. Yavatmal.
22. Bhaskar S/o. Bhauraoji Dhote,
Aged about 48 years,
R/o. Madkona, Tq. & Distt. Yavatmal.

23. Baliram S/o. Bapurao Atram,
Aged about 57 years,
R/o. Bhalewadi, Tq. Pisgaon,
Tq. Maregaon, Distt. Yavatmal.

Applicant.

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue & Forest,
Mantralaya, Mumbai -32.
2. Principal Chief Conservator
Forest (Administration), "Van
Bhawan" Ramgiri Road, Civil Lines,
Nagpur-440001.
3. Chief Conservator of Forest,
(Regional), Office at Ambedkar Bhavan,
Yavatmal-445001.

Respondents

Shri N.R.Saboo, Ld. counsel for the applicant.
Shri A.M.Ghogre, Ld. P.O. for the respondents.

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

Dated: - 09th November 2022.

With

ORIGINAL APPLICATION NO. 19/2019

1. Mohan S/o. BhauraoThombre,
Aged about 57 years, R/o.Parwa,
Tq. Ghatanji, Distt. Yavatmal.
2. Chandrakant S/o. Wamanrao Ispade,
Aged about 54 years, R/o. Parwa,
Tq. Ghatanji, Distt. Yavatmal.
3. Devidas S/o. Hausu Parchake,
Aged about 48 years,
R/o. Kaleshwar, Post Jamb,
Tq. Ghatanji, Distt. Yavatmal.
4. Laxman S/o. Shamrao Nandekar,
Aged about 51 years, R/o. Parwa,
Tq. Ghatanji, Distt. Yavatmal.
5. Govinda S/o. Lahanu Gautre,
Aged about 54 years, R/o. Parwa,
Tq. Ghatanji, Distt. Yavatmal.

Applicant.

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue & Forest,
Mantralaya, Mumbai -32.
2. Principal Chief Conservator
Forest (Administration), "Van

Bhawan" Ramgiri Road, Civil Lines,
Nagpur-440001.

3. Chief Conservator of Forest,
(Regional), Office at Ambedkar Bhavan,
Yavatmal-445001.

Respondents

Shri N.R.Saboo, Ld. counsel for the applicant.
Shri A.M.Ghogre, Ld. P.O. for the respondents.

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

Dated: - 09th November 2022.

With

ORIGINAL APPLICATION NO. 20/2019 with C.A.No.170/2020 (S.B.)

1. Ganpat S/o. Devanna Alkewar,
Aged about 45 years,
R/o.Waghar (Takli),
Tq. Ghatanji, Distt.Yavatmal.
2. Jyotiram S/o. Madhav Kulsange,
Aged about 51 years,
R/o. Jamb, Tq. Ghatanji, Distt. Yavatmal.
3. Kondba S/o. Laxman Sardar,
Aged about 54 years,
R/o. Pardi, Post Jamb,
Tq. Ghatanji, Distt.Yavatmal.
4. Manohar S/o. Jaita Salam,

Aged about 48 years,
R/o. Bhadumri, Post Botha,
Tq. Kelapur, Distt.Yavatmal.

5. Namdeo S/o. Madhav Dhole,
Aged about 52 years,
R/o. Jamb, Tq. Ghatanji, Distt. Yavatmal.
6. Umesh S/o. Shankar Borikar,
Aged about 42 years,
R/o. Sharad, Post Waghar (Takli),
Tq. Ghatanji, Distt.Yavatmal.

Applicant.

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue & Forest,
Mantralaya, Mumbai -32.
2. Principal Chief Conservator
Forest (Administration), "Van
Bhawan" Ramgiri Road, Civil Lines,
Nagpur-440001.
3. Chief Conservator of Forest,
(Regional),Office at Ambedkar Bhavan,
Yavatmal-445001.

Respondents

Shri N.R.Saboo, Ld. counsel for the applicant.
Shri A.M.Ghogre, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 09th November 2022.

JUDGMENT

Heard Shri N.R.Saboo, learned counsel for the applicants and
Shri A.M.Ghogre, learned P.O. for the Respondents.

2. The cases of the applicants are that they were working as a Vanmazoor. They are eligible for regularization / absorption as per the G.R. of 2012 issued by the State of Maharashtra dated 16.10.2012. Earlier to this G.R., one G.R. was issued in the year 1996 for regularization of Vanmazoors. The some Vanmazoors were not eligible as per the G.R. of 1996 and, therefore, the Government of Maharashtra issued G.R. on 16.10.2012. The following conditions were given in the G.R. for absorption in the regular service which are below:-

9) वन विभागातील दि.१.११.१९९४ ते दि.३०.०६.२००४ पर्यंत सलग पध्दतीने किंवा तुटक तुटक रित्या प्रतिवर्षी किमान २४० दिवस याप्रमाणे किमान पाच वर्ष काम केलेल्या ५०८९ रोजंदारी कामगारपैकी दि.०१.०६.२०१२ 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.०१.०६.२०१२ रोजी प्रचलित सेवानिवृत्ती वेतन व महाराष्ट्र नागरी सेवेच्या तरतुदी लागू राहतील.
- iii. उपरोक्त ५०८९ रोजंदारी कामगारांना कायम करण्यांत यावे तथापी कुठलाही आर्थिक लाभ देण्यापूर्वी कायम करावयाचे सदर ५०८९ कामगारांची नावनिहाय व विभागनिहाय अंतिम यादी शासनास सादर करण्यात यावी.

- २) पाच वर्षांच्या सलग सेवेच्या कालावधीची गणना करताना वन विभागातील योजनाअंतर्गत / योजनेत्तर योजनेवर रोजंदारी मजुरांनी प्रत्येक वर्षात २४० दिवस काम केलेले असावे. याकरिता ५ वर्षांचा कालावधी मोजतांना रोजगार हमी योजना किंवा रोजगार हमी देणा-या तत्सम योजनेवर केलेल्या कामाचे दिवस विचारांत घेण्यात येवू नयेत.

3. As per G.Rs., Vanmazoors were working continuously from 01.11.1994 to 30.06.2004 are to be absorbed in the regular service on aforequoted conditions given in the G.R..

4. It is submitted that the respondents i.e. forest department had not considered regular services of the applicants as a Vanmazoor. They have completed five years regular services in the forest department as a Vanmazoor but they were not considered. List of all the applicants were submitted by Conservator of Forest, Yavatmal to the PCCF (Principal Chief Conservator of Forest), Nagpur. After submitting the list, G.R. of 2012 was issued.

5. It is submitted that wrongly the Conservator of Forest shown all the applicants were working on E.G.S. (Employment Guarantee Scheme) and, therefore, they are not considered by the respondents for regularization.

6. It is submitted that all the applicants are entitled for absorption in the service as per Government regularization dated 16.10.2012.

7. All the O.As. are strongly opposed by the respondents. It is submitted that the applicants were working on E.G.S. and there is a condition in the Government Resolution dated 16.10.2012 that those Vanmazoors who were working on E.G.S. are not entitled for absorption in the service. It is submitted that the respondents have rightly decided their claim. They are not entitled for absorption as per the Government Resolution dated 16.10.2012. Hence, all the O.As. are liable to be dismissed.

8. Heard Advocate Shri N.R.Saboo, learned counsel for the applicants submitted that there was no enquiry by the respondents as to whether the applicants were working there on E.G.S.. As per the E.G.S., the names are to be submitted by Tehsildar to the concerned department. There is nothing on record to show that the applicants were appointed as a Vanmazoor as per E.G.S.. Learned counsel for the applicants has pointed out the following judgment which is below:-

One of the judgment is delivered by this Bench in O.A.No.134/2019.

The operative part of the judgment reads as under-

- i) The O.As. are partly allowed.*
- ii) The respondents are directed to consider the cases of all the applicants / legal heirs carefully and decide as to whether they are entitled for regularization as per G.R. dated 16/10/2012.*
- iii. C.As. are also disposed of.*
- iv. No order as to costs.*

9. The learned P.O., Shri A.M.Ghogre submits that in the same light the O.As. be decided.

10. The learned Advocate Shri N.R.Saboo has pointed out judgment in Writ Petition Nos. 5058/2008 and 5059/2008 and submits that the respondents have not conducted any inquiry in respect of the work of applicants on E.G.S.. Therefore, it was held that decision of the Industrial Court was justified for issuing directions to bring the Vanmazoor on C.R.T.E..

The learned counsel for the applicants has also pointed out the judgment in O.A.No.290/2013 and submits that the applicants be absorbed in the regular service as per G.R. of 2012.

11. Prior to the G.R. of 2012, the Government of Maharashtra called information from the concerned Forest Department as to how many Vanmazoors are working in the Forest Department. List of all the

applicants were submitted stating that they were working as a Vanmazoor for a continuous period of more than five years and they have worked 240 days in each year. It was also submitted in the list that they were working on E.G.S.. After collecting all the informations, the Government of Maharashtra has issued G.R. of 16.10.2012 for regularization / absorption of 6546 Vanmazoors.

12. All the applicants are not absorbed by the Government of Maharashtra only because they were shown working on E.G.S.. There is one condition in the G.R. dated 16.10.2012 that the Vanmazoors who were working on E.G.S. are not eligible for absorption. The learned Advocate Shri N.R.Saboo has submitted that there is nothing on record to show that all the applicants were working on E.G.S..

13. This Tribunal has remanded the matters of similarly situated Vanmazoors with directions to the respondents to consider the cases of all the applicants / legal heirs carefully and decide as to whether they are entitled for regularization as per G.R. dated 16.10.2012. The Judgment of this Tribunal in O.A.No.134/2019 dated 07.07.2022 is not challenged by either party before the Hon'ble High Court or any other Higher Forums. Hence, the following order.

ORDER

1) The O.As. are partly allowed.

- 2) The respondents are directed to consider the cases of all the applicants / 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) The opportunity be given to all the applicants in the inquiry.
- 5) The respondents are directed to provide the documents of the applicants according to the list forwarded by Tehsildar to provide work to the applicants on E.G.S..
- 6) The respondents are directed to decide the claim of the applicants **within a period of six months.**
- 7) All the O.As. are disposed of accordingly C.As. are also disposed of with no order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 09/11/2022

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman .
Judgment signed on : 09/11/2022.
Uploaded on : 11/11/2022.