

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 718/2018(S.B.)

Sanjay S/o Bhauraoji Mahurkar,
Aged about 49 years Occu: service,
R/o Surabhi Nagar Yavatmal
Tq. and Dist. Yavatmal.

Applicants.

Versus

- 1) State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32.
- 2) The Chief Conservator of Forest,
Yavatmal District, Tq. & District Yavatmal.
- 3) The Deputy Conservator of Forest,
Yavatmal District, Tq & District Yavatmal.
- 4) The Range Forest Officer,
Yavatmal, Tq. & District Yavatmal.

Respondents

Shri A.S.Deshpande, Ld. Counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).

Dated: - 5th July 2023.

JUDGMENT

Judgment is reserved on 28th June, 2023.

Judgment is pronounced on 5th July, 2023.

Heard Shri A.S.Deshpande, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the respondents.

2. Facts leading to this O.A. are as follows.

The applicant was appointed as Vanmazoor on 01.01.1987. His services were terminated on 13.02.1995. He challenged his termination in U.L.P. case No.95/1996. He did not get full relief sought by him either from Labour Court or Industrial Court. In W.P.No.2928 of 2003 filed by him the Hon'ble High Court passed the following order-

i) The orders passed by the subordinate Courts are set aside.

ii) The respondent/employer is directed to reinstate the petitioner/employee on the same post in which he was working.

iii) The respondent/ employer shall grant continuity of service for all purposes, however, the petitioner/employee will not be entitled for monetary benefits/back wages for the period from the date of his termination i.e. 13th February, 1995 till 31st January, 2018.

Rule is made absolute in the above terms. In the circumstances, the parties to bear their own costs.

Pursuant to order of the High Court following order was passed on 27.03.2018 by respondent no.3-

त्यानुसार वनपरिक्षेत्र अधिकारी, (प्रा) यवतमाळ यांना सूचित करण्यात येते की, मा. न्यायालयाचे आदेशाचे अनुषंगाने श्री. संजय भाऊराव माहुरकर, रोजंदारी मजूर यांना यवतमाळ वनपरिक्षेत्रातर्गत योजना/ योजनेत्तर/रोहयो अंतर्गत' नियमाप्रमाणे, कामाचे उपलब्धतेनुसार, प्राप्त अनुदानाप्रमाणे त्यांना काम उपलब्ध करून द्यावे,

The applicant filed representations (Annexure A-3, collectively) to give him permanent appointment as Vanmazoor.

3. Contention of the applicant is that benefit of G.Rs. dated 31.01.1996, 16.10.2012 and 10.05.2018 (Annexures A-4, A-6 & A-7, respectively) be extended to him. His further contention is that he possesses qualification of H.S.C. and as per G.Rs. dated 16.10.2012 and 10.05.2018 he is entitled to relief of regularisation of service on the post of Forest Guard. Relief claimed in the alternative is to direct respondent no.2 to take appropriate decision on the representations of the applicant within the stipulated time.

4. Stand of the respondents is as follows. A proposal to regularise services of the applicant, and creation of supernumerary post of Vanmazoor has been submitted to the Government on 21.02.2019 (Annexure R-1). The applicant will not get backwages till **31.01.2018** since the same have been denied by the High Court. Further, he will be

entitled to difference of pay since 01.02.2018, after final approval from the Government. Since, the High Court directed to reinstate the applicant on the same post, after getting approval, his services will be regularised on the same post i.e. Vanmazoor and he cannot be absorbed on the post of Forest Guard though he possesses qualification of H.S.C..

5. As per G.Rs. relied upon by the applicant services of Vanmazoors on daily wages were regularised.

6. The applicant has relied on the Judgment of this Bench dated 06.12.2022 in a batch of Original Applications. The question in those matters before the Tribunal was whether the applicants were working under E.G.S. The respondents were directed to make enquiry about it and then decide whether their services could be regularised.

7. In the instant case the respondents do not dispute that the applicant is entitled to regularisation of his services but on the post of Vanmazoor and not Forest Guard, after approval from the Gvernement.

8. In all his representations (Annexure A-3, collectively) the applicant has prayed for regularisation of his services as Vanmazoor. Proposal to this effect has been forwarded to respondent no.1 on 21.02.2019. Respondent no.1 shall pass necessary orders on this proposal within two

months from today. The O.A. is allowed in these terms with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 05/07/2023
rsm.

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 Member (J) .
Judgment signed on : 05/07/2023.
and pronounced on