

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 614/2013.

- 1) Maharashtra Rajya Van Karmachari
and Majur Sanghatana, Nagpur,
Registration No. N.G.P. 4081,
Through its Working President
Shri Kishor Vinayakrao Sontakke,
Aged about 48 years, Occ-Service,
R/o Gadchiroli, on behalf of the following
Van Karmacharis.
- 2) Gokuldas Shivram Khobragade,
Aged about 56 years,
R/o Range Office, South Bramhapuri,
- 3) Gangadhar Chirkuta Ingole,
Aged about 54 years,
R/o Range Office, Sindewahi.
- 4) Vishwanath Shioram Gurnule,
Aged about 45 years,
R/o Range Office, Sindewahi.
- 5) Deceased Chandrabhan Waktu Gedam,
L.R. Smt. Mirabai wd/o Chandrabhan Gedam,
Aged about 40 years,
R/o Range Office, South Bramhapuri.
- 6) Bhimrao Mahadeorao Jagazape,
Aged about 57 years,
R/o Range Office, South Bramhapuri.
- 7) Umaji Murhari Bagmare,
Aged about 53 years,
R/o Range Office, North Bramhapuri.
- 8) Madhukar Baliram Tupat,
Aged about 47 years,
R/o Range Office, North Bramhapuri.

- 9) Pitambar Baliram Choudhari,
Aged about 50 years,
R/o Range Forest Office, North Bramhapuri.
- 10) Dharma Raoji Sonkar,
Aged about 47 years,
R/o Saoli, Range Forest Office, Saoli.
- 11) Shamrao Manohar Chafle,
Aged about 45 years,
R/o Saoli, Range Forest Office, Saoli.
- 12) Ashok Baburao Maikalwar,
Aged about 42 years,
R/o Saoli, Range Forest Office, Saoli.
- 13) Diwakar Soma Meshram,
Aged about 51 years,
R/o Saoli, Range Forest Office, Saoli.

Applicants.

Versus

- 1) The State of Maharashtra,
Through its Chief Secretary,
Department of Revenue & Forests,
Mantralaya, Mumbai-440 001.
- 2) The Principal Chief Conservator of Forests,
(Head of Forest Force), Van Bhavan (M.S.),
Civil Lines, Nagpur.
- 3) The Dy. Conservator of Forests,
Divisional Forest Office,
Bramhapuri, Distt. Chandrapur.
- 4) The Range Forest Officer,
South Bramhapuri Range Office, Bramhapuri.
- 5) The Range Forest Officer,
North Bramhapuri Range Office, Bramhapuri.
- 6) The Range Forest Officer,
Sindewahi, Distt. Chandrapur.

7) The Range Forest Officer,
Sawali, Distt.Chandrapur..

Respondents

ORIGINAL APPLICATION NO. 615/2013.

- 1) Maharashtra Rajya Van Karmachari
and Majur Sanghatana, Nagpur,
Registration No. N.G.P. 4081,
Through its Working President
Shri Kishor Vinayakrao Sontakke,
Aged about 48 years, Occ-Service,
R/o Gadchiroli, on behalf of the following
Van Karmacharis.
- 2) Sambhu Shripad Madavi,
Aged about 44 years,
R/o Mul, Distt. Chandrapur.
- 3) Patru Tanu Kinake,
Aged about 50 years,
R/o Mul, Distt. Chandrapur.
- 4) Suresh Maroti Thakre,
Aged about 47 years,
R/o Mul, Distt. Chandrapur.
- 5) Murlidhar Dadaji Mohurle,
Aged about 43 years,
R/o Mul, Distt. Chandrapur.
- 6) Ravikishor Gulab Khobragade,
Aged about 46 years,
R/o Mul, Distt. Chandrapur.
- 7) Giridhar Namdeo Nagose,
Aged about 45 years,
R/o Mul, Distt. Chandrapur.
- 8) Dhondu Bhikaji Kulmethe,
Aged about 58 years,
R/o Mul, Distt. Chandrapur.

- 9) Rafik Mustaq Sheikh,
Aged about 54 years,
R/o Chichpalli, Distt. Chandrapur.
- 10) Manohar Sonba Soyam,
Aged about 42 years,
R/o Chichpalli, Distt. Chandrapur.
- 11) Bhaiyyaji Kanhu Marotkar,
Aged about 48 years,
R/o Chichpalli, Distt. Chandrapur.
- 12) Purushottam Rajeshwar Wadhai,
Aged about 54 years,
R/o Chichpalli, Distt. Chandrapur.
- 13) Bundha Lalaji Gaddekar,
Aged about 49 years,
R/o Chichpalli, Distt. Chandrapur.

Applicants at Sr. Nos.8 to 13
are R/o O/o RFOm Chichpalli.

Applicants.

Versus

- 1) The State of Maharashtra,
Through its Chief Secretary,
Department of Revenue & Forests,
Mantralaya, Mumbai-440 001.
- 2) The Principal Chief Conservator of Forests,
(Head of Forest Force), Van Bhavan (M.S.),
Civil Lines, Nagpur.
- 3) The Dy. Conservator of Forests,
Divisional Forest Office,
Chandrapur.
- 4) The Range Forest Officer,
Mul, Distt. Chandrapur.
- 5) The Range Forest Officer,
Chichpalli, Distt. Chandrapur.

Respondents

ORIGINAL APPLICATION NO. 616/2013.

- 1) Maharashtra Rajya Van Karmachari
and Majur Sanghatana, Nagpur,
Registration No. N.G.P. 4081,
Through its Working President
Shri Kishor Vinayakrao Sontakke,
Aged about 48 years, Occ-Service,
R/o Gadchiroli, on behalf of the following
Van Karmacharis.
- 2) Mordhwaj Asaram Shimpolkar,
Aged about 48 years,
R/o Range Forest Office, Wadsa,
Distt. Gadchiroli.

Applicants.**-Versus-**

- 1) The State of Maharashtra,
Through its Chief Secretary,
Department of Revenue & Forests,
Mantralaya, Mumbai-440 001.
- 2) The Principal Chief Conservator of Forests,
(Head of Forest Force), Van Bhavan (M.S.),
Civil Lines, Nagpur.
- 3) The Dy. Conservator of Forests,
Divisional Forest Office,
Wadsa, Distt. Gadchiroli.
- 4) The Range Forest Officer,
Wadsa, Distt. Gadchiroli.

Respondents

Shri D.S. Wasnik, Advocate for the applicants.
Shri P.N. Warjekar, learned P.O. for the respondents.

Coram:- Hon'ble Shri R.B. Malik, Member (J)

Dated:- 14th February 2017.

Oral order

These three O.As can be, on account of similarity of facts disposed of by this common judgment.

2. The applicants are Forest Labourers and they seek the benefit of the G.R. of 16th October 2012 in order to get regularized as such.

3. I have perused the record and proceedings and heard Mr. D.S. Wasnik, learned Advocate for the applicants and Mr. P.N. Warjekar, learned P.O. for the respondents.

4. It is an admitted position that the names of these applicants in all these O.As came to be included by the authorities in Forest Department and submitted to the State Government for the benefit of the said G.R. The number of labourers is extremely large and I am informed at the time of debate at the bar that a large number of them received the benediction thereof while the applicants were not that fortunate. The G.R. of 16.10.2012 is there on record at page 40 of the paper book. The preface thereof mentions inter alia that 10264 posts of Forest Labourers came to be created in accordance with the G.R. dated 31.1.1996. Those that have completed five years and 240 days per year working as Labourers were the beneficiaries thereof in accordance with the

terms and conditions therein mentioned. Further in the Forest Department, the work is undertaken on the basis of development programme and his mention as to what various types of functions are required to be done. This aspect of the matter was studied in depth under the chairmanship of the Principal Chief Conservator of Forests (Administration). In accordance with the recommendation from the report of the said committee, 5089 daily wage earners from the Department of Social Forestation and 451 and 1006 from different sources and those that had either continuously or with breaks worked for 240 days per year for five years, came to be prepared. A decision was taken to regularize Forest Labourers whose number was 6546 from 1.6.2012 and 5089 additional posts were created. The Government sanction was accorded to the same. The number of Forest Labourers above mentioned were to be regularized subject to the condition mentioned in the said G.R.. One that is relevant hereto was in para 1 (2) which provided that while counting five years continuous functioning or service, the concerned labourers should have worked for 240 days per year. But for that, the work done for Employment Guarantee Scheme (E.G.S.) or equivalent schemes should not be taken into consideration. Apparently, it is this condition, that is the undoing of the applicants. The respondents, in sum and substance contend that the entire

record which is relevant hereto is ~~the~~ truck load of and some of it has been destroyed~~+~~. There is, therefore, no objective material to concur with the respondents that the applicant would be hit by Rule 1 (2) of the said G.R.

4. However, it is equally true that the fact is that the applicants have been working as Forest Labourers for a considerable length of time and Mr. Wasnik, learned Advocate for the applicants submits that it could be 20 years or even more and that being the state of affairs and in the context of the fact that the posts involved are of labourers and one cannot expect sophisticated type of record being kept by the applicants while such a system must be available with the respondents. That is somewhat of vexed situation that one finds oneself in. But then without in any manner injuring any legal principle, it can safely be mentioned that the helpless labourers who have put in more than 20 years as such, could not just be left to be cared by nobody. I am very clearly of the view that this is not a kind of litigation which can be called to be an ordinary adversarial type of litigation. By the very nature of things and going by the status of a model employer that the State has, they cannot throw their hands up asking for the applicants ~~to~~ prove everything~~+~~.

5. In my opinion, therefore, while disposing of these O.As, the best course of action will be to direct the respondents to reconsider the cases of these applicants and if there is nothing against them in record and if no record is available with the applicants, then there is no other go but to treat them on par with those fortunate others who have been regularized as per the said G.R. I place on record my most fervent hope that the respondents shall not act as recalcitrant adversary, but as a model employer. I am not going to grant very long time and, therefore, the respondents will have to pull up their socks as they say.

6. Before I conclude, I have to consider one more submission made by the learned Advocate for the applicants pertaining to the said G.R. He invited references to **Subhash Narayan Ahirrao V/s Dy. Engineer, Public Works Sub-Division, Dhule 1991 Lab. I.C. 1688 (Bom.)**. No doubt, that was the case pertaining to the E.G.S., however, herein in these O.As at least the G.R. itself has not been questioned on constitutional anvil and, therefore, there is no other go but to take the G.R. as it is and work it out. Even this Tribunal has no liberty to practically question this G.R. even while acting thereunder.

7. For the foregoing, these O.As are disposed of with a direction to the respondents to act in accordance herewith and to reconsider the case of the applicants for regularization as Forest Labourers in accordance with the G.R. of 16.10.2012 from Revenue and Forest Department bearing always in mind the observation hereinabove. If the time limit is not kept and appropriate decision in accordance herewith is not taken within six weeks, then the applicants shall stand regularised and the respondents shall take appropriate action in that behalf. No order as to costs.

(R.B.Malik)
Member (J)

pdg

