

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 205 of 2019
WITH CIVIL APPLICATION No.174 of 2020 (S.B.)

- (1) Gautam S/o Rajeshwar Malkhade,
Aged about 57 years, R/o Malegaon, Dist. Yavatmal.
- (2) Dama S/o Sukhdeo Fulkar,
Aged about 54 years, R/o Malegaon, Dist. Yavatmal.
- (3) Purushottam S/o Namdeo Bhujade,
Aged about 55 years, R/o Malegaon, Dist. Yavatmal.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai-32.
- 2) Principal Chief Conservator of Forest (Administration),
"Van Bhawan" Ramgiri Road, Civil Lines,
Nagpur-440 001.
- 3) Chief Conservator of Forest (Regional),
Office at Ambedkar Bhavan,
Yavatmal-445 001.

Respondents.

S/Shri N.R. & Mrs. K.N. Saboo, Advocates for the applicants.
Shri V.A. Kulkarni, learned P.O. for respondents.

WITH

ORIGINAL APPLICATION No. 206 of 2019 (S.B.)

- (1) Sanjay S/o Champatrao Paikrao,
Aged about 49 years,
R/o Ambikar Nagar, Digras, Dist. Yavatmal.
- (2) Gulab S/o Laxman Tambare,
Aged about 50 years,
R/o Ada, Post Milawa, Tq. Umardhed, Dist. Yavatmal.

- (3) Bhimrao S/o Ramsingh Chavhan,
Aged about 47 years,
R/o Malsoli Post Mulawa, Tq. Pusad, Dist. Yavatmal.
- (4) Sheshrao S/o Manik Dhoble,
Aged about 43 years,
R/o Manjargavda, Post Belora,
Tq. Pusad, Dist. Yavatmal.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai-32.
- 2) Principal Chief Conservator of Forest (Administration),
"Van Bhawan" Ramgiri Road, Civil Lines,
Nagpur-440 001.
- 3) Chief Conservator of Forest (Regional),
Office at Ambedkar Bhavan,
Yavatmal-445 001.
- 4) Range Forest Officer,
Shembal Pipri, Tah. Pusad, Distt. Yavatmal.
- 5) Range Forest Officer,
Marwadi, Distt. Yavatmal.

Respondents.

**S/Shri N.R. & Mrs. K.N. Saboo, Advocates for the applicants.
Shri A.M. Khadatkar, learned P.O. for respondents.**

WITH

ORIGINAL APPLICATION No. 207 of 2019 (S.B.)

- (1) Parasram Ramchandra Shinde,
Aged about 59 years,
At & Post Dehani, Tah. Digras, Dist. Yavatmal.

- (2) Shriram Kashiram Jadhav,
Aged about 52 years,
At Chicholi, Post Hivari, Tah. Digras, Dist. Yavatmal.
- (3) Pundlik Motiram Sakharkar,
Aged about 54 years,
At & Post Dehani, Tah. Digras, Dist. Yavatmal.
- (4) Madhukar Dhundhaji Manvar,
Aged about 54years,
At & Post Rohana, Tah. Digras, Dist. Yavatmal.
- (5) Ananda Kacharuji Hivrale,
Aged about 50years,
At & Post Tah. Digras, Dist. Yavatmal (Patil Nagar).
- (6) Ramesh Shravan Kale,
Aged about 56 years,
At & Post Kandali, Tah. Digras, Dist. Yavatmal.
- (7) Ashok Ganpat Kale,
Aged about 54 years,
At & Post Kandali, Tah. Digras, Dist. Yavatmal.
- (8) Ramrao Narshing Chouhan,
Aged about 55 years,
At Jawda, Post Sakhara, Tah. Darwaha, Dist. Yavatmal.
- (9) Sanjay Chindkaji Burkute,
Aged about 44 years,
At Kothura Post Devwadi, Tah. Disgras
At & Post Kandali, Tah. Digras, Dist. Yavatmal.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai-32.
- 2) Principal Chief Conservator of Forest (Administration),
“Van Bhawan” Ramgiri Road, Civil Lines,
Nagpur-440 001.

- 3) Chief Conservator of Forest (Regional),
Office at Ambedkar Bhavan,
Yavatmal-445 001.

Respondents.

**S/Shri N.R. & Mrs. K.N. Saboo, Advocates for the applicants.
Shri M.I. Khan, learned P.O. for respondents.**

WITH

ORIGINAL APPLICATION No. 332 of 2019 (S.B.)

Namdeo S/o Ananda Khadse,
Aged about 57 years,
R/o Khanapur, Post Kharadgaon,
Tahsil Ner, Dist. Yavatmal.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai-32.
- 2) Chief Conservator of Forest,
Office at Ambedkar Bhavan,
Yavatmal-445 001.

Respondents.

**S/Shri N.R. & Mrs. K.N. Saboo, Advocates for the applicant.
Shri H.K. Pande, learned P.O. for respondents.**

WITH

ORIGINAL APPLICATION No. 1027 of 2019 (S.B.)

- (1) Vivek Ramrao Jadhao,
Aged about 35 years,
R/o Pathradevi, Tah. Darvha, Distt. Yavatmal.
- (2) Dipak Sitaram Rathod,
Aged about 35 years,
R/o Pathradevi, Tah. Darvha, Distt. Yavatmal.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai-32.
- 2) Chief Conservator of Forest (Regional),
Office at Ambedkar Bhavan,
Yavatmal-445 001.

Respondents.

**S/Shri N.R. & Mrs. K.N. Saboo, Advocates for the applicants.
Shri V.A. Kulkarni, learned P.O. for respondents.**

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

Dated :- 06/12/2022.

COMMON JUDGMENT

Heard Shri N.R. Saboo, learned counsel for the applicants and S/Shri V.A. Kulkarni / A.M. Khadatkar / M.I. Khan / H.K. Pande, learned P.Os. in the respective O.As. for the respondents.

2. The Cases of the applicants are in short as under –

The applicants were working as Van Majoor. As per the G.R. dated 16/10/2012, the Government has decided to regularise the services of Van Majoors. The cases of the applicants are that before the G.R., the list was submitted and in the said list they were shown working on plan and non-plan. They were not shown working on EGS (Employment Guarantee Scheme). Thereafter, the Government has

published the Govt. G.R. dated 16/10/2012. In the said the G.R. dated 16/10/2012 (P-12), the following conditions are mentioned -

“(१) वन विभागातील दिनांक ०१/११/१९९४ ते ३०/०६/२००४ पर्यंत सलग पध्दतीने किंवा तुटक तुटक रित्या प्रतिवर्षी किमान २४० दिवस याप्रमाणे किमान पाच वर्षे काम केलेल्या ५०८९ रोजंदारी कामगारांपैकी दिनांक ०१/०६/२०१२ ला कामावर असण्यास पात्र ठरणा-या कामगारांना मंत्रीमंडळाच्या निर्णयाप्रमाणे खालील अटी व शर्तीच्या अधिन राहून कायम करण्यात यावे.

(i) त्यांना पुर्वीचे वेतन व तद्अनुषंगीक लाभ देय होणार नाही.

(ii) त्यांना दिनांक ०१/०६/२०१२ रोजी प्रचलित सेवानिवृत्ती वेतन व महाराष्ट्र नागरी सेवेच्या तरतुदी लागू राहतील.

(iii) उपरोक्त ५०८९ रोजंदारी कामगारांना वरीष्टता व पात्रतेचे निकष लावून कायम करण्यात यावे.

(iv) उपरोक्त ५०८९ रोजंदारी कामगारांना कायम करण्यात 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 करतांना 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 विचारात घेण्यात येवू नयेत. ”

3. It is the contention of the applicants that they are not regularised / absorbed in the services, because, they were wrongly shown working on EGS. Therefore, they approached to this Tribunal for direction to the respondents to regularise their services.

4. The O.As. are strongly opposed by the respondents. It is submitted that all the applicants were working on EGS. As per the conditions in the Govt. G.R. dated 16/10/2012, the Van Majors who

were working on EGS, are not eligible for regularisation. Hence, the O.As. are liable to be dismissed.

5. Heard the learned counsel for the applicants and learned P.Os. for the respondents. This Tribunal has decided the similar matters in O.A. Nos. 17/2019 and other connected matters. This Tribunal partly allowed the O.As. and directed the respondents to give opportunity to the applicants of hearing and decide as to whether they were actually working on EGS or not.

6. In view of the cited Judgments in O.A. Nos. 17/2019 and other connected matters, the following order is passed –

ORDER

- 1) The O.As. are partly allowed.
- 2) The respondents are directed to consider the cases of all applicants / legal heirs carefully and decide as to whether they are entitled for regularisation as per the G.R. dated 16/10/2012.
- 3) The respondents are directed to make the inquiry as to whether they were working on EGS.
- 4) 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 Tahsildar to provide work to the applicants on EGS.
- 6) The respondents are directed to decide the claim of the applicants **within a period of six months.**
- 7) The C.A. 174/2020 is also disposed off accordingly.
- 8) No order as to costs.

Dated :- 06/12/2022.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 06/12/2022.

Uploaded on : 07/12/2022.

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