

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 290 of 2013 (S.B.)

- 1) Sachin Sudhakar Deshmukh,
Aged about 40 years,
R/o at Bramhanwada (East),
Tq. Ner, Dist. Yavatmal.
- 2) Raju Madhukarrao Dike,
Aged about 43 years,
R/o Bangar Nagar, Yavatmal.
Dist. Yavatmal.
- 3) Arjun Polu Tekam,
Aged about 42 years,
R/o Waghapur Tekli, Yavatmal,
Dist. Yavatmal.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Revenue & 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. Saboo and Smt. K.N. Saboo, Advocates for the applicants.

Shri S.A. Sainis, Id. P.O. for the respondents.

WITH

ORIGINAL APPLICATION NO. 304 of 2014 (S.B.)

- 1) Devidas Atmaram Bhuse,
Aged about 49 years,
R/o Gharefal, Tq. Ner,
Dist. Yavatmal.
- 2) Rajendra Vishwanath Jadhav,
Aged about 43 years,
R/o Uttarwadhona, Tq. Ner,
Dist. Yavatmal.
- 3) Vinayak Bhimrao Neware,
Aged about 45 years,
R/o Uttarwadhona, Tq. Ner,
Dist. Yavatmal.
- 4) Nana Deorao Narote,
Aged about 54 years,
R/o Uttarwadhona, Tq. Ner,
Dist. Yavatmal.
- 5) Ananda Nagorao Kotrange (dead),
through L.Rs.
Suman Wd/o Ananda Kotrange,
R/o Mojhar, Tq. Ner, Dist. Yavatmal.
- 6) Sudam Hari Rathod (dead)
 - 6) a) Smt. Rachafulla Wd/o Sudam Rathod,
Aged abpit 50 years, Occ. Labour.
 - 6) b) Santosh S/o Sudam Rathod,
Aged about 30 years, Occ. Labour.
 - 6) c) Manmohan S/o Sudam Rathod,
Aged about 24 years, Occ. Education.

All aged about 52 years,
R/o Ghui, Post- Lasina, Tq. Ner,
Dist. Yavatmal.
- 7) Panjab Rasal Chavan,
Aged about 51 years.
R/o Mojhar, Tq. Ner, Dist. Yavatmal.

- 8) Punaji Savru Ade,
Aged about 53 years,
R/o Kamindeo, Tq. Ner, Dist. Yavatmal.
- 9) Sukhdeo Ramdas Rathod,
Aged about 49 years,
R/o Byahadi, Tq. Ner, Dist. Yavatmal.
- 10) Purushottam Vishwanath Yashwante,
Aged about 46 years,
R/o Sirasgaon, Tq. Ner, Dist. Yavatmal.
- 11) Wasram Bhura Jadhav,
Aged about 53 years,
R/o Yalgunda, Tq. Ner, Dist. Yavatmal.
- 12) Harichandra Mishri Rathod,
Aged about 45 years,
R/o Yalgunda, Tq. Ner, Dist. Yavatmal.
- 13) Kisan Chindhu Rangari,
Aged about 50 years,
R/o Wai, Tq. Ner, Dist. Yavatmal.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Revenue & 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. Saboo and Smt. K.N. Saboo, Advocates for the applicants.

Shri M.I. Khan, Id. P.O. for the respondents.

WITH**ORIGINAL APPLICATION NO. 305 of 2014 (S.B.)**

- 1) Dhananjay Vishwanath Dhole,
Aged about 37 years,
R/o C/o Sanjay V. Dhole, Nalamwar Layout,
Wadagaon Road, Yavatmal.
- 2) Haridas Sambhaji Ramteke,
Aged about 57 years,
R/o Surabhi Nagar, Popalgaon Road,
Yavatmal.
- 3) Suresh Ganpat Bhaware,
Aged about 50 years,
R/o Devinagar, Lohara, Yavatmal
- 4) Baban Ramchandra Tikhe,
Aged about 44 years,
R/o Devinagar, Lohara, Yavatmal.
- 5) Vitthal Ganpat Landge,
Aged about 50 years,
R/o Mahani, Tq. Babhulgaon, Dist. Yavatmal.
- 6) Chindu Yadao Patil,
Aged about 54 years,
R/o Meharabad, Tq. Babhulgaon,
Dist. Yaotmal.
- 7) Haridas Ganpat Talekar,
Aged about 54 years,
R/o Madkona, Tq. & Dist. Yavatmal.
- 8) Raju Ramkrishna Kale,
Aged about 48 years,
R/o Sukali, Tq. Babhulgaon, Dist. Yavatmal.
- 9) Uttam Sakru Ade,
Aged about 55 years,
R/o Kamandeo,
Tq. & Dist. Yavatmal.

- 10) Manohar Namdeo Nandpatle,
Aged about 50 years,
R/o Sukali, Tq. Babhulgaon, Dist. Yavatmal.
- 11) Uttam Vaman Kalokar,
Aged about 43 years,
R/o Watbori, Yavatmal, Dist. Yavatmal.
- 12) Ramkrishna Maroti Salam,
Aged about 43 years,
R/o Sukali, Tq. & Dist. Yavatmal.
- 13) Pandurang Narayan Lungse,
Aged about 52 years,
R/o Marthad, Tq. & Dist. Yavatmal.
- 14) Vijay Kisan Tidke,
Aged about 48 years,
R/o Galwaha, Tq. Babhulgaon, Dist. Yavatmal.
- 15) Kalidas Namdeo Jhambhulkar,
Aged about 45 years,
R/o Galwaha, Tq. Babhulgaon, Dist. Yavatmal.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Revenue & 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. Saboo and Smt. K.N. Saboo, Advocates for the applicants.
Shri H.K. Pande, Id. P.O. for the respondents.

WITH**ORIGINAL APPLICATION NO. 306 of 2014 (S.B.)**

- 1) Tukaram Hiranman Rathod,
Aged about 40 years,
R/o Dhulapur, Post Bhulai,
Tq. Darwaha, Dist. Yavatmal.
- 2) Sudhakar Ajabrao Gedam,
Aged about 45 years,
R/o Ambika Nagar, Arni Road,
Prabhag no.5, Darwaha, Dist. Yavatmal.
- 3) Firojkan Bismillakhan Pathan,
Aged about 40 years,
R/o Near Pratap Talkies, Islampura,
Darwaha, Dist. Yavatmal.
- 4) Kisan Shranan Gavai,
Aged about 52 years,
R/o Pekarda, Post Shendri,
Tq. Darwaha, Dist. Yavatmal.
- 5) Maroti Udhebhan Lute,
Aged about 43 years,
R/o Telipura, Datta Nagar, Darwaha,
Dist. Yhavatmal.
- 6) Charan Suryabhan Chavan,
Aged about 54 years,
R/o Dhulapur, Post Bhulai, Tq. Darwaha,
Dist. Yavatmal.

Applicants.**Versus**

- 1) The State of Maharashtra,
through its Secretary,
Department of Revenue & 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. Saboo and Smt. K.N. Saboo, Advocates for the applicants.
Shri A.P.Potnis, Id. P.O. for the respondents.**

WITH

ORIGINAL APPLICATION NO. 307 of 2014 (S.B.)

- 1) Shri Ganesh Punaji Fender,
R/o at Post Jamb,
Tq. & Dist. Yavatmal-445 001.
- 2) Shri Shankar Tukaram Sakharkar,
R/o at Post Kopra (M),
Tq. & Dist. Yavatmal.
- 3) Shri Satish Babanrao Korde,
R/o at Post Kopra (M),
Tq. & Dist. Yavatmal.
- 4) Shri Harishchandra Parasram Rathod,
R/o at Post Kopra (M),
Tq. & Dist. Yavatmal
- 5) Shri Tulshiram Narayan Dhole,
R/o at post Kopra (M),
Tq. & Dist. Yavatmal.
- 6) Shri Ananda Vithal Neware,
R/o at Post Kopra (M),
Tq. & Dist. Yavatmal.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Revenue & 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 Prashant P. Thakare, A.A. Senad, Advocates for the applicants.
Shri A.M.Khadatkar , Id. P.O. for the respondents.**

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

COMMON JUDGEMENT

(Delivered on this 18th day of January,2018)

Heard Shri N.R. Saboo, Id. Counsel for the applicants (in O.A.Nos. 290/13, 304,305 & 306 of 2014), Shri P.P. Thakre, learned counsel for the applicants (in O.A.No.307 of 2014) and Shri S.A. Sainis, Id. P.O. and other Id. P.Os. for the respondents.

2. The applicants in all these O.As. have prayed for a direction to respondents to regularize their services as permanent employees as per G.R. dated 16/10/2012 and to grant them all consequential reliefs including deemed date as permanent Vanmazoor as well as difference of salary and other monetary claims. They have also claimed that the list dated 17/10/2012 issued by the Chief Conservator of Forest (CCF), Yavatmal showing the applicants

as EGS employees during the period from 01/11/1994 to 30/06/2004 be quashed and set aside.

3. In O.A.No.307/2014 the applicant has prayed similar relief and in addition to that he has claimed that clause no. 2 of the G.R. 16/10/2012 be declared unconstitutional and irrational considering the nature of the work of the workers and the length of service rendered by the applicants and the said clause be quashed and set aside. However, vide Pursis dated 20/12/2017 the applicant did not press for the additional relief.

4. The applicants were working as daily wager employees in Forest Department in Yavatmal Division since last more than 20-23 years. Vide communication dated 5/10/2004 the Chief Conservator of Forest (CCF), Yavatmal forwarded the information of Vanmazoor working under his Division. In the said list the name of the applicants were included.

5. The State of Maharashtra vide G.R. dated 16/10/2012 took a policy decision to regularize as many as 5089 daily wager employees in the Forest Department who were working during the period from 01/11/1994 to 30/06/2004. This list of 5089 employees includes the name of the applicants.

6. The Government of Maharashtra vide G.R. dated 16/10/2012 directed to the respondents to regularize the services of

the applicants as Vanmazoor. Such direction was issued vide communication dated 01/12/2012, but till today no order has been issued for regular appointment in respect of the applicants.

7. In Yavatmal Circle a list of 716 Vanmazoors who were entitled for permanency was submitted to the competent authority in which the name of the applicants appeared. The Chief Conservator of Forest had implemented the decision of the Government vide G.R. dated 16/10/2012 and issued orders of regularization in respect of as many as 153 daily wager employees under his jurisdiction. However no appointment orders were issued in respect of the applicants. The applicants therefore preferred representations and made grievances to the Chief Conservator of Forest and Deputy Conservator of Forest, Yavatmal regarding non issuance of orders of regularization. As already stated vide communication dated 01/12/2012 the respondent Principal Chief Conservator of Forest again considered entitlement of applicants for benefit of permanency as per G.R. dated 16/10/2012, but for the extraneous reason the applicants were not provided status of permanency and therefore the applicants were constrained to file these O.As.

8. The learned counsel for the applicants submits that applicants' names appeared in the list sanctioned by the Government and in fact the Government had sanctioned regularization of as many

as 6546 Vanmazoors in view of the G.R. dated 16/10/2012. These Vanmazoors were working in between 1/11/1994 to 30/06/2004 for minimum of 240 days in a year for five years. The name of the applicants were already included in the list of fresh Vanmazoors, but all of a sudden the names of the applicants have been deleted and no opportunity was given to the applicants before such deletion.

9. The respondents have filed their reply-affidavit which has been affirmed by one Mr. Vinod Anandrao Wankhede, the Assistant Conservator of Forest, Yavatmal. According to the respondents as per G.R. dated 31/1/1996 the Government of Maharashtra has created supernumerary posts and the daily wagers who were working in Forest Department continuously, have been absorbed on the said post in Group-D. While doing so, certain conditions were mentioned and for the persons who were working under the Employment Guarantee Scheme and other similarly situated schemes continuous five years service as well as 240 days service in a year was must.

10. It is stated that the applicants are working under the Employment Guarantee scheme and were doing work in the Forest Department. It is further stated that the name of the applicants have been wrongly mentioned by the Office and the list was wrongly sent to the Government. In fact, the applicants were not entitled to be included in the list since they were working in the Employment

Guarantee scheme and therefore they were not entitled to the benefit of G.R. dated 16/10/2012. In all names of 259 candidates were wrongly mentioned in the list of Vanmzoors to be regularised. Thus the applicants do not fulfil the requisite conditions mentioned in the G.R. dated 16/10/2012 and therefore the claim of the applicants cannot be justified.

11. During the course of argument the learned counsel for the applicants invited my attention to the letter dated 1/12/2012 (Annex-A-7,P-36). This is the communication issued from the Additional Principal Chief Conservator of Forest. Vide this letter, the Chief Conservator of Forest, Yavatmal was directed to explain as to why the Vanmzoors who were entitled and included in the list of the employees to be regularised were not considered. This letter includes the name of the present applicants and the communication reads as under :-

^ mi jkDr fo"K; kckcr I kcrpsfuonu ; k dk; kÿ; kl iklr >kyh vl u I njgwfuonus i qhy dk; bkghl e[; oul j{kd ½i k-½] ; orekG ; kpdMs i kBo.; kr ; s vlgS ; k fuonukr I c[tkr vtzhjkauh vl suen dsys vlgS dh] I ?kLFkrhr rs jkg; ks var xÿr dke djhr vlgS- R; keGSR; kauk 'kkI u fu.kÿ fnukad 16@10@2012 vUo; sdk; e dj.; kr vkysysukgh-

2- OkLrfod e[; oul j{kd ik- ; orekG ; kps I mfkÿ i = dz1 e/; s i kBoysÿ; k ekfgrhph r ikl .kh dsh vl rk vtzhjkauh tkkÿÿ; k ; knhrhy vundekd 13 rs19 e/; s n'kfoysouetij gsf nukad 1@11@1994 i ; r] 'kkI u fud"K i ukZdjrr] rj vundekad 153 rs155] 158] 160 rs163 rs165]168]176 rs179]181]187 rs188]193 rs 197]199]202]204]208]211] 219 rs220] 224] 234] rs237] 246 rs248] 259] 261] 284] 294 rs295] 313] 315] 317] 319 rs320] 324 o 330 e/; s

*n'ktoysys ouetij gs fnukad 1@11@1994 ea 30@06@2004 i ; r 'kkl u fud" k i wkZ
djrkr-*

*3- rjh ed; oul j {kd ¼i k-½} ; orekG ; kuh mi jkDr fuosukr uem eðkkph 'kgkfu'kk
d#u fu; ekud kj dk; ðkgh djkoh o dsy; k dk; ðkghpk vgoky ; k dk; kÿ; kl Rojhr
I knj djkok-***

12. The learned counsel for the applicants invited my attention to the G.R. dated 16/10/2012. The copy of such G.R. along with the list of the persons to be regularised has been placed on record at P.B. page nos. 22&23 from which it seems that the Government has taken decision to regularise as many as 6546 Vanmazoors and this list includes the name of the applicants. In other words, it can be said the Government has taken decision to regularise the services of the applicants as Vanmazoor as per this communication and there was absolutely no reason for the Chief Conservator of Forest, Yavatmal to delete the name of the applicants from such list particularly when the higher authority has already sanctioned the list including the name of the applicants for regularisation.

13. It is therefore the Government seems to have made a query as per the letter dated 1/12/2012 (Annex-A-7, P-36) to the Conservator of Forest, Yavatmal and he was directed to take action in respect of employees like applicants who were included in the list and to submit his recommendation. It is in view of this letter, this Tribunal was pleased to pass a detailed order on 22/11/2017. The learned

P.O. was directed to take instructions and to submit necessary documents, if available. The relevant observations in the order dated 22/11/2017 are as under :-

"2. According to the applicants, they are working for more than 20 to 25 years as Van Mazoor and still they are in the service. As per earlier Government policy decision prior to 16/10/2012, the Van Mazoors working in between 1/11/1989 to 31/10/1994 were regularized. Thereafter vide G.R. dated 16/10/2012 the Van Mazoor who are qualified to be absorbed and were working in between 1/11/1994 to 30/06/2004 were regularized. In all 6546 Van Mazoors were to be regularized and in the said list the name of the applicants appeared. Some of the Van Mazoors were regularized, but some were not and therefore the Union of the Van Mazoors filed one representation. After the list was finalized within two days, the list was modified by the Chief Conservator of Forests on the ground that the applicants were working under the EGS Scheme and therefore were not entitled to be absorbed.

3. The learned counsel for the applicants has invited my attention to one communication dated 1/12/2012 issued by the Principal Chief Conservator of Forests, Nagpur whereby it was specifically stated that some of the persons including the applicants were entitled to be absorbed and regularized and the Chief Conservator of Forests was directed to submit his report on it and what action it has taken. It is however not known as to whether the Chief Conservator of Forests has given any answer to this letter and if yes, whether the Government has accepted the explanation given by the Chief Conservator of Forests and further whether the Government has passed any order specifically deleting the names of the applicants from the list of Van Mazoors to be regularized.

4. The learned P.O. is therefore directed to take instructions on these aspects and to submit the necessary documents if available, before next week."

14. In view of the directions as aforesaid, the learned P.O. has placed on record the documents which are marked Exh-X and X1.

15. As regards the record concerned to the applicants, it is stated by the Chief Conservator of Forest in his letter dated 17/1/2013 as under :-

^mi oul j {kd} ; orekG ; kauh ojhy eatjlkauk vf/kl d[; i nkoj ue.kpl fnysyh ul Y; kus egkjk"V^o jkT; jkst nkhj oudkexkj drh l ferh ft- 'kk[tk ; orekG ; kauh 29@11@2012 ud kj vki ycdMsfuonu l knj dys ; kckcr 'kgkfu'kk d#u vgoky l knj dj .kckcr vki ys dMhy l mHkZ d'ekad 2 vUo; sfunž k i klr >kY; ko#u mi oul j {kd} ; orekG ; kauh i R; {k nLrk, ot ijr rikl u fu; ekiæk.kk dk; bkgih djkoh o dSY; k dk; bkgihpk vgoky ; k dk; kzy; kl l knj dj .kckcr l puk ns; kr vky; k vl rk oue tijkps jkst nkhjps l mHkZry nLrk, ot tuskdyko/khps vl u R; kpsdk; kzy; kr mi yC/k vl ysysnLrk, ot gsvR; r ft.kz voLFkr vkgs dkgih nLrk, ot kpsi kusdqt ysyj l Mysyso m/kGh ykxysh vkgsR; keGstius nLrk, ot rikl u 'kgkfu'kk dj .ks 'kD; ul Y; kps l adkhr ou{ks= vf/kdkjh ; kauh dGfoys r l p iæk.ki = l qnk fnysysvkgs ¼ l kcr l gi=hr vkgs½- r l p etij jkst xkj geh ; kstuß; k dkekoj brdh o"lz d'kh dk; jr gkrh ; kckcrph 'kgkfu'kk dj .ks djhrk nLrk, ot vkt mi yC/k ul Y; kps dGfoysys vl Y; kus ; kfo"k; h Li"V cks'k gkr ukgh- r l p fnuad 01@06@2012 jksth l qnk l nj oudkexkj jksg-; ks varxir dke djhr vl Y; kpsfnl qu ; r vkgs **

16. Vide letter dated 29/6/2013, Exh.-X1 it was again stated that the name of 58 Vanmazoors were included in the list. However, it is clear that the Chief Conservator of Forest was also not confident as to whether the employees including the applicants really worked under the Employment Guarantee Scheme. In such circumstances, the doubt raised by the Chief Conservator of Forest, Yavatmal seems to be without any support. It seems that while submitting the list of

employees who were to be regularised as Vanmazoors as per G.R. dated 16/10/2012, the then Chief Conservator of Forest, Yavatmal has prepared a detailed list including the name of the applicants and on that basis and on the basis of such list received from other districts, the Government has taken decision to regularise the services of 6546 Vanmazoors and therefore once this exercise had been done, there was no reason for Chief Conservator of Forest, Yavatmal to re-open the issue. Even for argument sake it is accepted justifiable to re-open the issue on the ground that the cases of the applicants were not covered as per the G.R. dated 16/10/2012, the Chief Conservator of Forest should have come with concert evidence in support of his objections. However it seems that he himself could not trace out the documents as regards status of the applicants' and/or in other words whether the applicants really worked under Employment Guarantee Scheme or whether in any other Scheme. There is no dispute that all the applicants have worked since for more than 22-23 years in the Forest Department and therefore there was absolutely no reason to deny them benefit of G.R. dated 16/10/2012.

17. The learned P.O. has placed reliance Judgment delivered by this Tribunal in O.A. 614/2013 in the case of **Maharashtra Rajya Van Karmachari and Mazoor Sanghatana, Nagpur & Ors. Vs. State of Maharashtra & Ors.**, delivered on 14/2/2017. It is submitted

that in the said case directions were issued to the respondents to act in accordance with the G.R. and to reconsider the cases of the applicants for regularisation as Forest Labourers. The learned P.O. submits that the similar directions may be issued in these O.As. also instead of directing regularisation of the applicants. The learned counsel for the applicants however submits that such directions were already issued by the Government to Chief Conservator of Forest, Yavatmal vide letter dated 1/12/2012 itself but instead of supporting the claim of the applicants, no action has been taken by the Chief Conservator of Forest. As already stated, according to the respondent the Chief Conservator of Forest, Yavatmal the relevant documents in respect of applicants are not available. In such situation there is no justification in reviewing the decision taken by the Government to regularise the applicants. In view of this, I pass following order :-

ORDER

(i) The O.A. Nos. 290/2013, 304/2014, 305/2014, 306/2014 & 307/2014 are partly allowed. It is hereby declared that the list dated 17/10/2012 (Annex-A-6) issued by the respondent, the Chief Conservator of Forest, Yavatmal as EGS employees during the period from 1/11/1994 to 30/6/2004 is quashed and set aside.

(ii) The respondents are directed to regularise the services of applicants as Vanmazoor, as per G.R. dated 16/10/2012 and to grant

them all consequential financial benefits as may be admissible as per rules. Such orders shall be issued within three months from the date of passing of this order. No order as to costs.

Dated :- 18/01/2018.

**(J.D. Kulkarni)
Vice-Chairman (J).**

dnk.