

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 747 of 2018 (S.B.)**

Raju Punak Kadu,  
Aged about 50 years,  
R/o Tornala Dagad, Post Pimplekhuta,  
Tah. Darwha, Dist. 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.**

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

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**WITH****ORIGINAL APPLICATION No. 748 of 2018 (S.B.)**

Bhikaram Hiranman Rathod,  
Aged about 51 years, R/o Dhulapur,  
Post- Bhulai, Tah. Darwha, Dist. 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.**

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

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**WITH**

**ORIGINAL APPLICATION No. 750 of 2018 (S.B.)**

Ashok Domaji Mujmule,  
Aged about 58 years,  
R/o Antargao, Post- Khopri Budruk,  
Tah. Darwha, Dist. 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.**

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

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

**Dated :- 04/09/2023.**

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**COMMON JUDGMENT**

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

2. All the applicants have prayed for regularization  
/absorption as a Van Majoor as per the G.R. dated 16/10/2012.

3. The cases of all the applicants in short are as under –

The applicants were working as a Van Majoor before 1994 and thereafter also. As per the Government policy, most of the Van Majoors were regularized as per the G.R. of 1996. Some of the Van Majoors were not absorbed in the regular service, therefore, information was called by the Government of Maharashtra to regularize 10264 Van Majoors. Before the issuance of the G.R. dated 16/10/2012, list was submitted by the concerned head of the district of the Forest Department. Thereafter, the G.R. was issued on 16/10/2012 to absorb 10264 Van Majoors who were continuously working for five years and who had continuously worked not less than 240 days in each year.

4. There is a specific condition in the G.R. dated 16/10/2012 that Van Majoors who were working on the Employment Guarantee Scheme (EGS), are not to be regularized. After the issuance of the G.R., list was submitted and some of the Van Majoors were shown working on EGS, therefore, some Van Majoors like the applicants and others were not regularized, because, they were shown in the second list working on EGS.

5. Some of the similarly situated Van Majoors approached to this Tribunal by filing O.A.No.290/2013 with connected O.As. (P-26). This Tribunal has passed the Judgment on 18/01/2018 and directed

the respondents to regularize the said applicants / Van Majoors and give them all consequential benefits. The Additional Principal Chief Conservator of Forests, M.S., Nagpur issued one letter dated 01/12/2012. In this letter, it is stated that after verification of the second list, the applicants were found eligible for absorption along with other similarly situated Van Majoors. Even after the letter dated 01/12/2012, the applicants are not absorbed in regular service, therefore, all the applicants approached to this Tribunal for the following reliefs –

*“(9) (i) It is therefore, prayed that this Hon'ble Tribunal, may kindly be pleased to issue direction to respondents to regularize the services of the applicants as permanent employee as per GR dated 16/10/2012 and grant all consequential relief including deemed date as permanent Vanmajoor as well as difference of salary claim & other monetary claims.*

*(ii) To direct the respondents to consider representation dated 04.09.2018 submitted by applicant forthwith with further direction to regularize the services of the applicant from the date of entitlement with deemed date and to release all consequential monetary claim as well as other reliefs.”*

6. All O.As. are strongly opposed by the respondents. It is submitted that the applicants were working on EGS and therefore as per the G.R. dated 16/10/2012 those Van Majoors who were working on EGS are not regularized. Hence, all the O.As. are liable to be dismissed.

7. Heard Shri N.R. Saboo, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. and other learned P.Os. for the respondents. There is no dispute about the G.R. dated 16/10/2012. The material conditions in the G.R. are reproduced below –

“१) वन विभागातील दि.१.११.१९९४ ते दि. ३०.०६.२००४ पर्यंत सलग पध्दतीने किंवा तुटक तुटक रित्या प्रतिवर्षी किमान २४० दिवस याप्रमाणे किमान पांच वर्ष काम केलेल्या ५०८९ रोजंदारी कामगारांपैकी दि. १.०६.२०१२ 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.१.०६.२०१२ रोजी प्रचलित सेवानिवृत्ती वेतन व महाराष्ट्र नागरी सेवेच्या तरतुदी लागू राहतील.

iii. उपरोक्त ५०८९ रोजंदारी कामगारांना वरीष्ठता व पात्रतेचे निष्कर्ष लावून कायम करण्यात यावे.

iv. 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 योजनांतर्गत / योजनेत्तर योजनेवर रोजंदारी मजुरांनी प्रत्येक वर्षात २४० दिवस काम केलेले असावे. याकरिता ५ वर्षांचा कालावधी मोजताना रोजगार हमी योजना किंवा रोजगार हमी देणाऱ्या तत्सम योजनेवर केलेल्या कामाचे दिवस विचारात घेण्यात येवू नयेत.**

३) दिनांक ३१/१/१९९६ च्या निर्णयाप्रमाणे त्यावेळी पात्र असलेले तथापी काही कारणामुळे नियमित न झालेले रोजंदारी मजुरांची सेवा नियमित करण्यात याव्यात.

४) वनमजुरांना गट-ड मध्ये नेमणूक करण्याकरिता वयोमर्यादे संबंधीची अट शिथिल करण्यात यावी, तथापि, दि.१.६.२०१२ रोजी त्यांचं वय सेवानिवृत्तीसाठी विहित वयोमर्यादेपेक्षा जास्त नसावे. तसेच गट-ड करिता आवश्यक असलेली विहित शैक्षणिक पात्रतेची अट देखील शिथिल करण्यात येत आहे.

५) काही वनमजूरांनी त्यांच्या रोजंदारी कामगारासंबंधी नियमित करण्याबाबत प्रकरण विविध स्तरावर न्यायप्रविष्ट केली असल्यास, अशा प्रकरणात न्यायप्रविष्ट असताना सेवा नियमित करणे शक्य होणार नसल्यामुळे अशा प्रकरणात संबंधितांनी न्यायप्रविष्ट सर्व प्रकरणी परत घेतल्यानंतरच त्यांच्या सेवा नियमित करण्यात याव्यात.

६) सदर पदे गट-ड मध्ये निर्माण करण्यात येत असल्यामुळे या मजूरांना वनमजूर संबोधण्यात यावे व ही पदे गट-ड अधिसंख्य पदे मंजूर संवर्गात समग्र वर्तनश्रेणी रु.४,४४०-७४४० श्रेणी ग्रेड वेतन १३०० मध्ये निर्माण करण्यात येत आहेत.

७) सदर वनमजूरांना प्रचलीत महाराष्ट्र नागरी सेवा नियम लागू राहतील.

८) ज्यांची वन विभागातील सलग पध्दतीने अथवा तुटक तुटकरित्या सेवा पांच वर्षांपेक्षा जास्त झालेली आहे. त्यांचा वन विभागातील गट क व गट ड मधील रिक्त पदे भरताना नेमणुकीसाठी खालीलप्रमाणे विचार करण्यात यावा.

(अ) सेवायोजन कार्यालयामार्फत ज्या पदांवर भरती करण्यात येते त्याच पदावर भरती करण्यात यावी. त्या पदांवर भरती करण्यांस सेवायोजन कार्यालयाची अट शिथिल करण्यात येत आहे.

ब) वेळोवेळी शासन निर्देशानुसार परवानगी देण्यांत आलेल्या निवड मंडळामार्फत ज्या पदावर भरती करण्यांत येते त्याच पदावर भरती करण्यात यावी. शासनाचे भरती नियमातील संबंधित पदांकरिता असणा-या आवश्यक अर्हता व अटी शर्ती लागू राहतील.

क) गट क किंवा गट ड साठी नेमणूक करतांना फक्त वयोमर्यादा संबंधीची अट खालीलप्रमाणे शिथिल करण्यात यावी.

१. वयाच्या ३३ वर्षांनंतर (संबंधित) मजूर जेवढी वर्षे वन विभागांत कार्यरत आहेत तेवढ्या वर्षांनी वयाची अट शिथिल करण्यात यावी. उदाहरणार्थ ज्यांनी ५ वर्षे सेवा केलेली असेल त्यांना वयाच्या ३८ वर्षे पर्यंत व ज्यांनी १२ वर्षे सेवा केलेली असेल त्यांना वयाच्या ४५ वर्षांपर्यंत वयाची अट शिथिल करण्यात यावी.

ड) शासनाने अंशकालीन कर्मचा-यांबाबत निर्गमित केलेल्या शासन निर्णयानुसार त्यांच्याकरिता शासनात सरळ सेवा भरतीमध्ये समांतर आरक्षण ठेवून त्यांच्याकरिता पदे आरक्षित केली आहेत. त्याप्रमाणे वन विभागात सरळसेवा भरतीवेळी पात्रता पूर्ण करित असणा-या रोजंदारी मजूरांना गट क व गट ड मध्ये १० % आरक्षित ठेवण्यात यावीत. अंशकालीन कर्मचा-यांना वयाच्या संदर्भात देण्यात आलेली सूट (४६ वर्ष) यांनाही देण्यात यावी. ”

8. There is no dispute that after this G.R. again list was submitted by the Chief Conservator of Forests of the district and in the said list some of the Van Majoors like the applicants and others Van Majoors were shown working on EGS and therefore they were not regularized. The said list was verified by the Additional Principal Chief Conservator of Forests and after verification of the list, letter dated 01/12/2012 (P-320) was issued to the Chief Conservator of Forests of the district. This letter shows that the applicants and some other Van Majoors were found eligible for absorption as per the G.R. dated 16/10/2012.

9. During the course of submission, learned counsel for applicants Shri N.R. Saboo pointed out the list verified by the Additional Principal Chief Conservator of Forests, M.S., Nagpur, the name of applicant namely Shri A.D. Mujmule is at Sr.No.18, the name of applicant R.P. Kadu is at Sr.No.195 and the name of B.H. Rathod is at Sr.No.188. All the applicants were shown as completed five years service as a Van Majoor and they had also completed 240 days of service in each year, therefore, directed to take action as per rules and submit the report. The respondents have taken the decision and rejected the claim of the applicants as per the letter / order dated 17/12/2013. In the said letter, the applicants were shown working on EGS.

10. Similarly situated Van Majoors / employees approached to this Tribunal by filing O.A.No.290/2013 with connected O.As. This Tribunal has relied on the letter / order of the Additional Principal Conservator of Forests, M.S., Nagpur dated 01/12/2012. Observations of this Tribunal in para nos. 10 to 17 and operative parts are reproduced below –

*“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 are entitled and who were 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 :-*

“ उपरोक्त विषयाबाबत सोबतचे निवेदन या कार्यालयास प्राप्त झाली असून सदरहू निवेदने पुढील कार्यवाहीस मुख्य वनसंरक्षक (प्रा.), यवतमाळ यांचेकडे पाठविण्यात येत आहे. या निवेदनात संबंधित अर्जदारांनी असे नमूद केले आहे की, सद्यस्थितीत ते रोहयो अंतर्गत काम करीत आहेत. त्यामूळे त्यांना शासन निर्णय दिनांक १६/१०/२०१२ अन्वये कायम करण्यात आलेले नाही.

२. वास्तविक मुख्य वनसंरक्षक प्रा. यवतमाळ यांचे संदर्भिय पत्र क्र. १ मध्ये पाठविलेल्या माहितीची तपासणी केली असता अर्जदारांनी जोडलेल्या यादीतील अनुक्रमांक १३ ते १९ मध्ये दर्शविलेले वनमजूर हे दिनांक १/११/१९९४ पर्यंत, शासन निकष पूर्ण करतात, तर अनुक्रमांक १५३ ते १५५, १५८, १६० ते १६३ ते १६५, १६८, १७६ ते १७९, १८१, १८७ ते १८८, १९३ ते १९७, १९९, २०२, २०४, २०८, २११, २१९ ते २२०, २२४, २३४, ते २३७, २४६ ते २४८, २५९, २६१, २८४, २९४ ते २९५, ३१३, ३१५, ३१७, ३१९ ते ३२०, ३२४ व ३३० मध्ये दर्शविलेले वनमजूर हे दिनांक १/११/१९९४ ते ३०/०६/२००४ पर्यंत शासन निकष पूर्ण करतात.

३. तरी मुख्य वनसंरक्षक (प्रा.), यवतमाळ यांनी उपरोक्त निवेदनात नमूद मुद्दांची शहानिशा करून नियमानुसार कार्यवाही करावी व केलेल्या कार्यवाहीचा अहवाल या कार्यालयास त्वरीत सादर करावा. ”

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 in the applicants, it is stated by the Chief Conservator of Forest in his letter dated 17/1/2013 as under :-

“उपवनसंरक्षक, यवतमाळ यांनी वरील मंजूरांना अधिसंख्य पदावर नेमणुक दिलेली नसल्याने महाराष्ट्र राज्य रोजंदारी वनकामगार कृती समिती जि. शाखा यवतमाळ यांनी २९/११/२०१२ नुसार आपलेकडे निवेदन सादर केले. याबाबत शहानिशा करून अहवाल सादर करणेबाबत आपले कडील संदर्भ क्रमांक २ अन्वये निर्देश प्राप्त झाल्यावरून उपवनसंरक्षक, यवतमाळ यांना प्रत्यक्ष दस्ताऐवज परत तपासून नियमाप्रमाणे कार्यवाही करावी व केलेल्या कार्यवाहीचा अहवाल या कार्यालयास सादर करणे बाबत सुचना देण्यात आल्या असता वनमजूरांचे रोजंदारीचे संदर्भातिल दस्ताऐवज जूने कालावधीचे असून त्यांचे कार्यालयात उपलब्ध असलेले दस्ताऐवज हे अत्यंत जिर्ण अवस्थेत आहे. काही दस्ताऐवजाचे पाने कुजलेले, सडलेले व उधळी लागलेली आहे त्यामूळे जूने दस्ताऐवज तपासून शहानिशा करणे शक्य नसल्याचे संबंधीत वनक्षेत्र अधिकारी यांनी कळविले तसेच प्रमाणपत्र सुध्दा दिलेले आहे. (सोबत सहपत्रीत आहे.). तसेच मजूर रोजगार हमी योजनेच्या कामावर इतकी वर्ष कशी कार्यरत होती याबाबतची शहानिशा करणे करीता दस्ताऐवज आज उपलब्ध नसल्याचे कळविलेले असल्याने याविषयी स्पष्ट बोध होत नाही. तसेच दिनांक ०१/०६/२०१२ रोजी सुध्दा सदर वनकामगार रो.ह.यो. अंतर्गत काम करीत असल्याचे दिसून येत आहे. ”

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 expected 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.”*

11. There is no dispute that the Judgment of this Tribunal in O.A.No.290/2013 with connected O.As. is not challenged before the Hon'ble High Court. The respondents have complied the Judgment. Those applicants are now made permanent / regular in the Forest Department. Their names also shown in the letter dated 01/12/2012 issued by the Additional Principal Chief Conservator of Forests, M.S., Nagpur. The names of the present applicants also shown in the said letter, but same treatment is not given to the present applicants.

12. The Judgment in O.A.No.290/2013 with connected O.As. was passed on the basis of the order / letter issued by the Additional Principal Chief Conservator of Forests, M.S., Nagpur dated 01/12/2012. The names of present applicants shown in the list show that they were not working on EGS, but they were working in the Forest Department. Therefore, the Additional Principal Chief Conservator of Forests, M.S., Nagpur after verifying the list, directed the respondents / head of the district of the Forest Department to take action as per the rules. But the respondents have submitted that all these applicants are working on EGS and therefore they are not entitled for regularization.

13. It is pertinent to note that same situated employees as shown in the letter dated 01/12/2012, are regularized as per order of this Tribunal in O.A.No.290/2013 with connected O.As. That Judgment is not challenged by the respondents, therefore, it is binding on the respondents. Findings recorded in the said Judgment were based on letter dated 01/12/2012. As per this letter, the names of all present three applicants are shown working on regular work and not working on EGS. Other applicants / Vanmajors like the present applicants approached to this Tribunal by filing in O.A.No.290/2013 with connected O.As. They are regularized by the respondents, but the similarly situated persons like the applicants are not regularized on the ground that they were working on EGS. It is pertinent to note that after verifying the list submitted by the Chief Conservator of Forest, the Additional Principal Chief Conservator of Forests, M.S., Nagpur issued letter dated 01/12/2012 and directed the Chief Conservator of Forests of respective head of the district of Forest Department to take action as per the rules. Instead of regularizing the applicants, the respondents i.e. the Chief Conservator of Forests of the district rejected the claim of the applicants on the ground that they are working on EGS.

14. In view of the Judgment of this Tribunal in O.A.No.290/2013 with connected O.As., the similarly situated

employees like the applicants are regularized. The names of the applicants also verified by the Additional Principal Chief Conservator of Forests, M.S., Nagpur. After verifying the list, the names of applicant and others are shown. The material part of the letter is reproduced as below –

“उपरोक्त विषयाबाबत सोबतचे निवेदन या कार्यालयास प्राप्त झाली असून सदरहू निवेदने पुढील कार्यवाहीस मुख्य वनसंरक्षक (प्रा), यवतमाळ यांचेकडे पाठविण्यात येत आहे. या निवेदनात संबंधित अर्जदारांनी असे नमुद केले आहे की, सद्यस्थितीत ते रोहयो अंतर्गत काम करीत आहेत. त्यामुळे त्यांना शासन निर्णय दि. १६/१०/२०१२ अन्वये कायम करण्यात आलेले नाही.

२.०० वास्तविक मुख्य वनसंरक्षक प्रा यवतमाळ यांचे संदर्भिय पत्र क्र. १ मध्ये पाठविलेल्या माहितीची तपासणी केली असता अर्जदारांनी जोडलेल्या यादीतील अनुक्रमांक १३ ते १९ मध्ये दर्शविलेले वनमजूर हे दि. १/११/१९९४ पर्यंत, शासन निष्कर्ष पूर्ण करतात. तर अनुक्रमांक १५३ ते १५५, १५८, १६० ते १६३ ते १६५, १६८, १७६ ते १७९, १८१, १८७ ते १८८, १९३ ते १९७, १९९, २०२, २०४, २०८, २११, २१९ ते २२०, २२४, २३४ ते २३७, २४६ ते २४८, २५९, २६१, २८४, २९४ ते २९५, ३१३, ३१५, ३१७, ३१९ ते ३२०, ३२४ व ३३० मध्ये दर्शविलेले वनमजूर हे दि. १/११/१९९४ ते ३०/०६/२००४ पर्यंत शासन निष्कर्ष पूर्ण करतात.

३.०० तरी मुख्य वनसंरक्षक (प्रादे) यवतमाळ यांनी उपरोक्त निवेदनात नमुद मुद्यांची शहानिशा करुन नियमानुसार कार्यवाही करावी व केलेल्या कार्यवाहीचा अहवाल या कार्यालयास त्वरीत सादर करावा. ”

15. As per the letter dated 01/12/2012, the name of applicant namely Shri A.D. Mujmule is at Sr.No.18, the name of applicant R.P. Kadu is at Sr.No.195 and the name of B.H. Rathod is at Sr.No.188. It is mentioned in the above stated letter, therefore, it was for the Chief Conservator of Forests of the District to follow the letter issued by the Additional Principal Chief Conservator of Forests, M.S., Nagpur. On



the basis of the said letter, this Tribunal has passed the Judgment in O.A.No.290/2013 with connected O.As. The said Judgment is not challenged and, therefore, the applicants are entitled for the same treatment as like the applicants in the abovesaid O.As.

16. After the Judgement of the Hon'ble Supreme Court, the Government of Maharashtra has issued the G.R. for equal treatment to the similarly situated employees. That G.R. / Circular is dated 28/02/2017 (P-22). The material part of the G.R. /Circular is reproduced as below –

*"1. The Hon'ble Maharashtra Administrative Tribunal, Mumbai, vide order dated 14.12.2016 in O.A. Nos. 59, 61 and 90 of 2016, has expressed displeasure over rejection of the claim of the applicants therein, for grant of Time Bound Promotion on the ground that the applicants had declined to accept temporary promotions, though in similar matters Hon'ble Tribunal has allowed the OAs and order of the Tribunal has attained finality.*

*2. The Hon'ble Tribunal, in Para 8 of aforesaid Judgment, has observed as under:-*

*"If a principle of general applicability is capable of being culled out from a particular pronouncement of this Tribunal, then similarly placed employees, though not before the Tribunal should be given the benefit thereof without actually moving this Tribunal for relief. If on the other hand, the relief is person specific, then of course, this direction will not apply."*

*Therefore, the Hon'ble Tribunal has directed the undersigned to inform all the concerned departments regarding applicability of general judicial principle as explained in Para 8 of the aforesaid Judgment.*

**3. The Hon'ble Supreme Court in the case of *State of Uttar Pradesh & Ors Vs. Arvind Kumar Srivastava* reported in 2015 (1) SCC 347 has laid down similar principle, thus:**

***"Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently".***

**4. *In view of the above, all the departments are hereby directed to take action according to the above directions given by the Hon'ble Maharashtra Administrative Tribunal, reiterating the legal position expounded by the Hon'ble Supreme Court.***

**5. *The aforesaid directions be also brought to the notice of the offices under the administrative control of the departments.*"**

17. In view of the Judgment of this Tribunal in O.A.No.290/2013 with connected O.As. and letter / order dated 01/12/2012 issued by the Additional Principal Chief Conservator of Forests, M.S., Nagpur and G.R. dated 28/02/2017, the applicants are entitled for the same relief which was granted to the applicants in O.A.No.290/2013 with connected O.As. Hence, the following order –

**ORDER**

- (i) The O.As. are allowed.
- (ii) The respondents are directed to regularize the services of the applicants as Van Major as per the G.R. dated 16/10/2012 and to grant them all consequential financial benefits as may be admissible as per the rules. The said order shall be issued within a period of four months from the date of receipt of this order.
- (iii) No order as to costs.

**Dated** :- 04/09/2023.

**(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 : 04/09/2023.