

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**COMMON JUDGMENT IN O.A. NO. 395/2021 with O.A.No.107/2018**  
**with C.A.No.283/2022 with O.A.No.108/2018 with**  
**O.A.No.392/2021(S.B.)**

**ORIGINAL APPLICATION NO. 395/2021**

Mordhwaj S/o Asaram Shimpolkar.

Aged about 56 years, Occu: Service,

R/o Range Forest Office, Wadsa,

District : Gadchiroli.

**Applicant.**

**Versus**

1. State of Maharashtra,  
through its Chief Secretary,  
Department of Revenue & Forest,  
Mantralaya, Mumbai - 440032.
2. The Principal Chief Conservator of Forests,  
Van Bhavan (M.S.), Civil Lines, Nagpur.
3. The Deputy Conservator of Forest,  
Divisional Forest Office, Wadsa,  
District Gadchiroli.
4. The Range Forest Officer,  
Wadsa, District Gadchiroli.

**Respondents**

**With****ORIGINAL APPLICATION NO. 107/2018 with C.A.No.283/2022**

1. Sambhu S/o Shripad Madavi,  
Aged about 48 years, Occu.  
R/o Mul, Dist. Chandrapur.
  
2. Patru S/o Tanu Kinake (Dead)  
Aged about 54 years, Occu. Vanmajdoor,  
R/o Mul, Dist. Chandrapur.
  - 2-i) Satyawati Wd/o Patru Kinnake,  
Aged about 45 years, Occu. Housewife,
  - 2-ii) Suraj S/o Patru Kinnake,  
Aged about 17 years, Occu. Labour,
  - 2-iii) Karishma D/o Patru Kinnake,  
Aged about 19 years, Occ. Household,  
All R/o Ward No.3, Karvan,  
Post Maroda, Through Mul,  
Karvan Dist. Chandrapur.

(Through LRs)

3. Suresh S/o Maroti Thakre,  
Aged about 51 years, Occu. Vanmajdoor,  
R/o Mul, Dist. Chandrapur.
  
4. Murlidhar S/o Dadaji Mohurle,  
Aged about 47 years, Occu. Vanmajdoor,  
R/o Mul, Dist. Chandrapur.
  
5. Ravikishor S/o Gulab Khobragade,

Aged about 46 years, Occu.Vanmajdoor,  
R/o Mul, Dist. Chandrapur.

6. Giridhar S/o Namdeo Nagose,  
Aged about 45 years, Occu.Vanmajdoor,  
R/o Mul, Dist. Chandrapur
7. Dhondu S/o Bhikaji Kulmethe,  
Aged about 58 years, Occu.Vanmajdoor,  
R/o Mul, Dist. Chandrapur.
8. Rafik S/o Mustaq Sheikh
9. Manohar S/o Sonba Soyam,  
Aged about 46 years, Occu.Vanmajdoor,  
R/o Chichpalli, Dist. Chandrapur.
10. Bhaiyyaji S/o Kanhu Maradkar,  
Aged about 48 years, Occu.Vanmajdoor,  
R/o Chichpalli, Dist. Chandrapur.
11. Purshottam S/o Rajeshwar Wadhai,  
Aged about 54 Years, Occu.Vanmajdoor,  
R/o Chichpalli, Dist. Chandrapur.
12. Bundha S/o Lalaji Gandekar,  
Aged about 53 Years, Occu.Vanmajdoor,  
R/o Chichpalli, Dist. Chandrapur.

Applicant at Sr.Nos.7 to 12 are R/o O/o  
RFO Chichpalli.

**Applicants.**

**Versus**

1. The State of Maharashtra,  
through its Chief Secretary (Forest),  
Department of Revenue & Forests,  
Mantralaya, Mumbai 440001.
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 Forest Division,  
Tah. Chandrapur, Dist, Chandrapur.
4. The Range Forest Officer,  
Mul, Dist. Chandrapur.
5. The Range Forest Officer,  
Chichpalli, Tah. Chandrapur,  
Dist. Chandrapur.

**Respondents**

**With**

**ORIGINAL APPLICATION NO. 108/2018**

1. Gangadhar S/o Chirkuta Ingole,  
Aged about 58 years, Occu. Vanmajdoor,  
R/o Range Office, Sindewahi.
2. Bhimrao S/o Mahadeorao Jagazape,  
Aged about 61 years, Occ. Vanmajdoor,  
R/o Range Office, South Bramhapuri.
3. Umaji S/o Murhari Bagmare,  
Aged about 57 years, Occ. Vanmajdoor,  
R/o Range Office, North Bramhapuri.
4. Madhukar S/o Baliram Tupat,  
Aged about 51 years, Occu. Vanmajdoor,  
R/o Range Office, North Bramhapuri.

**Applicants.****Versus**

1. The State of Maharashtra,  
through its Chief Secretary (Forest),  
Department of Revenue & Forests,  
Mantralaya, Mumbai 440001.
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 Forest Division,  
Tah. Bramhapuri, Dist. Chandrapur.

4. The Range Forest Officer,  
North Brahmapuri Range Office,  
Tah. Bramhapuri, Dist. Chandrapur.
5. The Range Forest Officer,  
Sindewahi, All of RFO, Tah. Sindewahi,  
Dist. Chandrapur.
6. The Range Forest Officer,  
Sawali, Tah. Sawali, Dist. Chandrapur.

**Respondents**

**With**

**ORIGINAL APPLICATION NO. 392/2021**

Gokuldas S/o Shivram Khobragade,  
Aged about 63 years, Occu. Nil,  
R/o Bramhapuri, Dist. Chandrapur.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
through its Chief Secretary,  
Department of Revenue & Forests,  
Mantralaya, Mumbai 440032.
2. The Principal Chief Conservator of Forests,  
Van Bhavan (M.S.) Civil Lines, Nagpur.

3. The Dy. Conservator of Forests,  
Divisional Forest Office,  
Bramhapuri, Dist. Chandrapur.
4. The Range Forest Officer,  
South Brahmapuri,  
Dist. Chandrapur.

**Respondents**

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Shri M.R.Joharapurkar, Ld. Counsel for the applicants.  
Shri H.K.Pande, Ld. P.O. for the respondent no.1.

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**Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated: - 7<sup>th</sup> September, 2023.**

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**COMMON JUDGMENT**

Heard Shri M.R.Joharapurkar, Ld. Counsel for the applicants  
and Shri H.K.Pande, learned P.O. for the Respondents.

2. Case of the applicants in short is as under.

In all the O.As. the applicants have claimed regularisation as per G.R. dated 16.10.2012. Before the G.R. of 16.10.2012, Vanmazoors who were working continuously for not less than period of five years were made regular as per the G.R. of 1994. Some of the Vanmazoors were not regularised as per G.R. of 1994. Therefore, the Government of Maharashtra i.e. the Principal Chief Conservator of Forest called information from all the

Chief Conservator of Forest of the respective district; to submit list of Vanmazoors who were continuously working for not less than five years and who worked not less than 240 days in each years. The list was submitted by head of the respective district of Forest Department. In the said list the names of applicant and other similarly situated Vanmazoors were not shown working on E.G.S..

3. The Government of Maharashtra has taken a decision as per Government Resolution dated 16.10.2012 which is as under-

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 निर्णया प्रमाणे 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 नांवनिहाय व विभागनिहाय अंतिम यादी शासनास सादर करण्यात यावी.

२) पाच वर्षांच्या सलग सेवेच्या कालावधीची गणना करताना वन विभागातील योजनाअंतर्गत / योजनेत्तर योजनेवर रोजंदारी मजूरांनी 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 मजूरांची सेवा नियमित करण्यात याव्यात.

४) वनमजूरांना गट-ड मध्ये नेमणूक करण्याकरिता वयोमर्यादे संबंधीची अट शिथिल करण्यात यावी, तथापि, दि.१.६.२०१२ रोजी त्याचं 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 वेतनश्रेणी 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 वर्षापेक्षा 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 पदांकरीता 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 वर्षीनंतर (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. "

4. As per the G.R. dated 16.10.2012, the respective head of district of Forest Department were directed to regularise daily wages Vanmazoors who were working continuously for five years and they had completed 240 days in each years. But the condition is also mentioned in the G.R. that those who were working on E.G.S. shall not be regularised.

5. After the G.R. dated 16.10.2012 another list was submitted by the respective head of the district of Forest Department. In the said list the names of applicants and some other Vanmazoors were shown working on E.G.S., and, therefore, they are not regularised in the Forest Department. The applicants are those employees who approached to this Tribunal.

6. The claim of all the applicants are that they were not working on E.G.S.. They were working in a Forest Department on daily wages. They have completed 240 days working in each year. They have continuously worked in the Forest Department for more than five years. They have

fulfilled the condition of the G.R. dated 16.10.2012. Therefore, they prayed in all these O.As. that they should be regularised in the Forest Department.

7. In all these O.As., the respondents have filed reply. It is submitted that the condition in the G.R. dated 16.10.2012 is very clear. As per the condition, the daily wages Vanmazoors who were working on E.G.S. are not to be regularised. The applicants were working on E.G.S. and, therefore, they are not regularised.

8. During the course of submission, learned counsel for the applicant has submitted that in the first list submitted by the respondent i.e. the Chief Conservator of Forest of the respective district (Gadchiroli etc.) it is not shown that applicants were working on E.G.S.. The respondents are wrongly showing that applicants are working on E.G.S.. There is no document to show that they were referred by the competent authority i.e. Collector/Tahsildar etc. to work in Forest Department on E.G.S.. Therefore, without any documents the respondents are denying the claim of applicant. At last ld. counsel for the applicant submitted that the applicants were working in the Forest Department as a regular daily wages and not on E.G.S.. Learned counsel for the applicant has further submitted that some of the Vanmazoors/applicants are now retired.

9. The learned P.O. has submitted that the applicants were working on E.G.S. and, therefore, they are not made permanent. Hence, O.As. are liable to be dismissed in view of G.R. dated 16.10.2012.

10. In the similar matter, this Tribunal has taken decision directing the respondents to make an enquiry by giving opportunity to the applicants / Vanmazoors. The respondents were directed to produce the documents before the applicants to show that they are really working on E.G.S. If they were / are not working on E.G.S. then they should be regularised in the Forest Department as per G.R. dated 16.10.2012. Hence, the following order.

**ORDER**

1. The O.As. are partly allowed.
2. The respondents are directed to decide the claim of the applicants as to whether they are entitled for regularisation as per G.R. dated 16.10.2012.
3. The respondents are directed to produce the material documents in presence of the applicants to show as to whether they were working on E.G.S..
4. The respondents authority shall produce the documents before the applicant as per the Scheme/Act of E.G.S. to work on E.G.S. in Forest Department.

5. If the respondents Authority have found that they were/are not working on E.G.S. then those applicants shall be regularised as per G.R. dated 16.10.2012.
6. All the exercise shall be done by the respondents within a period of four months from the date of receipt of this order.
7. The O.As. are disposed of.
8. No order as to costs.

(Justice M.G.Giratkar)  
Vice Chairman

Dated – 07/09/2023  
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 Vice Chairman .  
Judgment signed on : 07/09/2023.  
Uploaded on : 13/09/2023.