

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 724/2014(S.B.)**

1. Moreshwar Mahadeo Gahane,  
R/o Bhoyartola, (Torubandar)  
Dist Gondiya.
2. Radheshyam Shivlal Raut  
R/o Borgaon, Dist Gondiya
3. Tejram Sakharam Madavi,  
R/o Kalusavtola, Dist Gondiya
4. Janu Julmi Ispate,  
R/o Khamtalav Dist Gondiya.
5. Madho Bakshi Walde,  
R/o Bhagi Dist Gondiya.
6. Ramesh Govinda Madavi,  
R/o Murdoli Dist Gondiya.
7. Smt. Khelanbai Dayaram Chamlate,  
R/o Deori Dist Gondiya.
8. Smt. Mamtabai Ishwar Kosatkar,  
R/o Sirpur Dist Gondiya.
9. Smt. Sarswatabai Sadaram Fule,  
R/o Deori Dist Gondiya.
10. Smt. Suman Sukram Keram,  
R/o Deori Dist Gondiya.
11. Smt. Vidya Vishwanath Kosatkar,  
R/o Sirpur Dist Gondiya.
12. Smt. Mirabai Yograj Mandhare,

- R/o Sirpur Dist Gondiya.
13. Smt. Parbatabai Bhiyyalal Naik,  
R/o Deori Dist Gondiya.
  14. Smt. Suman Dajiba Meshram,  
R/o Deori Dist Gondiya.
  15. Smt. Shantabai Ramdas Lanjewar,  
R/o Deori Dist Gondiya.
  16. Smt. Kamalabai Sitaram Choudhari,  
R/o Deori Dist Gondiya.
  17. Smt. Manturabai Yashwant Omkar,  
R/o Deori Dist Gondiya.
  18. Megharaj s/o Durgaji Patankar,  
R/O Dongargaon Dist Gondiya.
  19. Homendrakant Krushnakant Doye,  
Aged About: 54, R/o Mu. Dewatola,  
Po. Savli, Ta. Devri, Dewatola, Saoli,  
Dongargaon, Gondiya,  
Maharashtra, 441902,  
DOA: 01.01.1986, at Sr. No. 28.
  20. Premlal Kuvarlal Dhurve,  
Aged about 43, R/o Mangezari,  
Sukhadi, Sukhali, Dakram,  
Gondiya, Tirora, Maharashtra,  
441911, DOA: 01.08.1993,  
at Sr. No. 343.
  21. Sukhram Sadashiv Parde,  
Aged About: 59, R/o Mu. Po. David,  
Ta. Devri, Dawaki, Dawki, Gondiya,

- Maharashtra, 441901,  
DOA: 01.01.1986, at Sr. No. 37.
22. Ramdas Tukaram Meshram,  
Aged About: 47, R/o Birhi,  
Bhopabodi Sadak- Arjuni,  
Gondiya, Maharashtra, 441806,  
DOA: 0.0.19, at Sr. No. 12 (different list)
23. Badru Kashiram Dhruve,  
Aged About: 54, R/o Mangezari,  
Sukhadi, Sukhali, Dakram, Gondiya,  
Tirora, Maharashtra, 441911,  
DOA: 01.08.1991, at Sr. No. 290
24. Bhaulal Ramchandra Varkhade,  
Aged About: 44, R/o Mu. Po. Savli,  
Ta. Devri, Saoli, Dongargaon,  
Gondiya, Maharashtra, 441902,  
DOA: 06.02.1994, at Sr. No. 357.
25. Kishore Lakhan Raut,  
Aged About: 41, R/o Mu. Po.  
Ta. Deori, Saoli, Gondiya,  
Maharashtra, 441902,  
DOA: 01.08.1988, at Sr.No. 111.
26. Basant Gulabsingh Warkhade,  
Aged About: 45, R/o Tirora, Gondiya.,  
DOA: 12.05.1967, at Sr. No. 288.

**Applicants.**

**Versus**

1. Chief Secretary (Forest)  
State of Maharashtra Mumbai  
Mantralaya, Mumbai.
2. Range Forest Officer North Deori,  
Tq. Deori, Distt. Gondia.
3. Range Forest Officer,  
South Deori,  
Tq. Deori, Distt. Gondia.
4. Divisional Forest Officer,  
Gondia Division, Gondia.
5. Chief Conservator of Forest (regional),  
Civil lines Nagpur.
6. Chief Conservator of Forest,  
Nagpur (Maharashtra).
7. Range Forest Officer,  
Dongargaon Depot,  
District Gondia.
8. Range Forest Officer,  
Salekasa, District Gondia.
9. Range Forest Officer,  
Sadakarjuni, District Gondia.
10. Range Forest Officer, Tiroda,  
District Gondia.

**Respondents**

---

Shri S.D.Malke, Ld. Counsel for the applicants.  
Shri M.I.Khan, Ld. P.O. for the respondents.

---

**Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated: - 13<sup>th</sup> September, 2023.**

---

**JUDGMENT**

Heard Shri S.D.Malke, learned counsel for the applicants and Shri M.I.Khan, learned P.O. for the Respondents.

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

All the applicants were / are working with the respondents as Vanmazoors. The Government of Maharashtra i.e. the Chief Principal Conservator of Forests called information from the respective Head of the Forest Department of the district to submit a list of Vanmazoors who were not regularised as per the G.R. of 1996. The lists of respective districts were submitted to the Chief Principal Conservator of Forests. Thereafter, the Government of Maharashtra issued the G.R. dated 16.10.2012. One of the condition in the G.R. is that those Vanmazoors who were working on Employment Guarantee Scheme in short E.G.S. are not to be regularised. After the G.R. dated 16.10.2012 again list was submitted by the respective Head of the Forest Department of the district. Some of the Vanmazoors, i.e., the applicants and others were shown working on E.G.S.. Therefore, they are not regularised as per the G.R. of 16.10.2012.

3. It is the contention of the applicants that they are working with the respondents as a regular Vanmazoors. They never

worked on E.G.S.. They have completed continuous five years of work. They have also completed more than 240 days of work in each year. Therefore, they have complied conditions mentioned in the G.R. dated 16.10.2012. They never worked on E.G.S.. The details of all applicants are shown in the Chart given below.

<b>Sr. No.</b>	<b>Name of Labours</b>	<b>Date of Appointment</b>	<b>Sr.N o. of Division</b>	<b>No.of working days in one year</b>	<b>Forest Area</b>	<b>Forest Division</b>
1	Moreshwar Mahadeo Gahane	01.08.1992	360	365 (for 2 years)	Uttar Deori	Gondia
2	Radheshyam Shivlal Raut	01.07.1987	340	365	Uttar Deori	Gondia
3	Tejram Sakharam Madavi	01.08.1993	361	365 (for one year)	Uttar Deori	Gondia
4	Janu Julmi Ispate	01.08.1993	362	365 (for one year)	Uttar Deori	Gondia
5	Madho BakshiWalde	01.08.1986	263	365	D. Deori	Gondia
6	Ramesh Govinda Ukey	01.08.1990	350	365	Uttar Deori	Gondia

7	Smt. Khelanbai Dayaram Chamlate	01.11.1990	355	365	Uttar Deori	Gondia
8	Smt.Mamtabai Ishwar Kosatwar	01.11.1994	368	-----	Uttar Deori	Gondia
9	Smt. Sarswatabai SadaramFule	01.11.1990	356	365	Uttar Deori	Gondia
10	Smt. Suman Sukram Keram	01.11.1990	357	365	Uttar Deori	Gondia
11	Smt.Vidya Vishwanath Kosatkar	01.11.1994	367	-----	Uttar Deori	Gondia
12	Smt. MirabaiYograj Mandhare	01.07.1994	363	-----	Uttar Deori	Gondia
13	Smt. Parbatabai Bhiyyalal Naik	01.11.1994	364	-----	Uttar Deori	Gondia
14	Smt.Suman Dajiba Meshram	01.11.1994	366	-----	Uttar Deori	Gondia
15	Smt. Shantabai Ramdas Lanjewar	01.11.1994	365	-----	Uttar Deori	Gondia

16	Smt.Kamlabai Sitaram Choudhari	11.02.1996		-----	Uttar Deori	Gondia
17	Smt. Manturabai Yashwant Omkar	01.11.1990	270	365	D. Deori	Gondia
18	Meghraj S/o Durgaji Patankar	01.01.1994	371	300	Dongarg- aon Deori	Gondia
19	Homendrakant Krushnakant Doye	01.01.1986	28	365	Uttar Deori	Gondia
20	Premlal Kuvarlal Dhurve	01.08.1993	343	365	Uttar Deori	Gondia
21	Sukhram Sadashiv Parde	01.01.1986	37	365	Uttar Deori	Gondia
22	Ramdas Tukaram Meshram	01.08.1994	12	-----	Uttar Deori	Gondia
23	Badru Kashiram Meshram	01.08.1991	290	365	Uttar Deori	Gondia



24	Bhaulal Ramchandra Varkhade	06.02.1994	357	270	Uttar Deori	Gondia
25	Kishore Lakhan Raut	01.08.1988	111	365	Uttar Deori	Gondia
26	Basant Gulabsigh Warkhade	01.08.1991	288	365	Uttar Deori	Gondia

4. All the applicants are claiming the benefits of G.R. dated 16.10.2012. They are not regularised by the respondents as per the G.R. dated 16.10.2012. Therefore, the applicants approached to this Tribunal for the following reliefs-

1. *Call for the records and after perusal of the same be pleased to direct the respondents and more particularly the second respondent to regularize the services of the applicant in view of Government Resolution of January 31, 1996 and 16/10/12 with immediate effect.*
2. *After regularizing the services direct the respondents to fix the pay scale with effect from November 1, 1994, grant increments as applicable and pay the arrears of*

*salary from November 1, 1994 till date with 18% interest till realization.*

3. *Saddle the cost of the application on the respondents.*

5. The O.A. is strongly opposed by the respondents. All applicants were not engaged by the Forest Department. All applicants were / are working on E.G.S.. Therefore, as per the conditions laid down in the Government G.R. dated 16.10.2012, they cannot claim regularisation. Hence, the O.A. is liable to be dismissed.

6. During the course of submission learned P.O. has submitted that the applicant no.19 Shri Doye approached to the Industrial Court, Bhandara claiming permanency. The learned counsel for the applicants has filed the order. It is marked Exhibit -1 in Complaint U.L.P. No.81/2016 along with pursis and in Complaint U.L.C.Nos.82/2016. Both complaints were withdrawn by the respective applicants. Those orders along with the pursis for commonly marked Exhibit-X for identification.

7. The material claim of the applicants is based on the G.R. dated 16.10.2012. The conditions mentioned in the G.R. dated 16.10.2012 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 वर्षे 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 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 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 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 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 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. As per the conditions mentioned in the G.R. for regularisation, Vanmazoors should have completed 240 days continuous work in the Forest Department in each year and they

should have worked continuously for five years. One of the condition in the G.R. is that Vanmazoors who worked on E.G.S. are not to be regularised. The respondents' contention is that the applicants were working on E.G.S. and therefore they are not regularised.

9. E.G.S. was introduced by the Government and a specific procedure is provided. No documents are filed on record by the respondents to show that as per Scheme/Act, Vanmazoors/Applicants were referred to the Forest Department to work on daily wages. At this stage there is nothing on record to show as to whether they were working on E.G.S. or not. Therefore, detail enquiry is required to decide as to whether the applicants are working on E.G.S. or not. This Tribunal in the similar matter in O.A.No.17/2019 with C.A.No.168/2020 has held that the respondents / Forest Department shall consider the cases of the applicants/ legal heirs and carefully decide as to whether they are entitled for regularisation as per the G.R. dated 16.10.2012. The respondents were also directed to make enquiry as to whether they were working on E.G.S or not. The opportunity should be given to all the applicants in the enquiry. The respondents were directed to provide the documents to all the applicants according to the lists

forwarded by the Tahsildar or Authority to provide work to the applicants on E.G.S. as per the Act/Scheme.

10. All the applicants are similarly situated employees like the applicants in O.A.No.17/2019 with C.A.No.168/2020 . They are claiming benefits as per G.R. dated 16.10.2012. Therefore, they are entitled for the same relief. Hence, the following order.

**ORDER**

- 1) The O.A. is partly allowed.
- 2) The respondents are directed to consider the cases of all the applicants / legal heirs carefully and decide as to whether they are entitled for regularization as per G.R. dated 16.10.2012.
- 3) The respondents are directed to make the inquiry as to whether they were working on E.G.S..
- 4) The 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 or Authority to provide work to the applicants on E.G.S..
- 6) The respondents are directed to decide the claim of the applicants within a period of six months.

7) No order as to costs.

(Justice M.G.Giratkar)  
Vice Chairman

Dated - 13/09/2023  
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 : 13/09/2023.  
Uploaded on : 20/09/2023.