

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 5090 of 2015

1. Shri Hanmant Sambhaji Jamkar,
Age : 45 years,
Occupation : Labour,
R/o. At Dongargaon,
Post Tiruka,
Taluka : Jalkot,
District : Latur.
2. Shri Vishwanath Eknath Waghmare,
Age : 49 years,
Occupation : Labour,
R/o. At Post Marsangavi,
Post : Ravankola,
Taluka : Jalkot,
District : Latur.
3. Shri Kerba Sangram Gavhane,
Age : 50 years,
Occupation : Labour,
R/o. At Post Tiruka,
Taluka : Jalkot,
District : Latur.
4. Shri Madhav Vithal Kendre,
Age : 50 years,
Occupation : Labour,
R/o. At Ekurka Khurda,
Post Tiruka,
Taluka : Jalkot,
District : Latur.
5. Shri Uttam Sangram Satapure,
Age : 55 years,
Occupation : Labour,
R/o. At Dongargaon,
Post Tiruka, Taluka : Jalkot,
District : Latur.

.. Petitioners.

versus

1. The State of Maharashtra,
Through Principal Secretary,
General Administration Department,
Mantralaya, Mumbai.
 2. Principal Secretary,
Forest Conservator,
Maharashtra State, Nagpur.
 3. Chief Director of Social Forestry,
Head Office, Central Building,
Near Sasoon Hospital, Pune.
 4. Deputy Director of Social Forestry,
Latur Division, Latur,
Taluka : Ahmedpur,
District : Latur.
 5. Deputy Director of Social Forestry,
Nanded Division, Nanded,
Taluka & District : Nanded.
 6. Joint Director, Forest Conservator,
Social Forestry, CIDCO, Aurangabad,
Taluka & District : aurangabad.
 7. Plantation Officer, Social Forestry,
Range Udgir,
Taluka and District : Latur.
 8. Plantation Officer, Social Forestry,
Range Loha,
Taluka : Loha, District : Nanded.
- .. Respondents.

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Mr. Naseem R. Shaikh, Advocate, for the petitioners.

*Mr. V.H. Dighe, Assistant Government Pleader, for
respondent nos.1 to 8.*

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 21ST SEPTEMBER 2015

ORAL ORDER (Per S.S. Shinde, J.) :

1. Heard learned Counsel appearing for the petitioners and the learned Assistant Government Pleader appearing for the respondents.
2. This petition takes exception to the Government Resolution No. LLB-1094/Pra.Kra.252/Fa-1, dated 31st January 1996, issued by the Government of Maharashtra, Revenue & Forest Department, and also Government Resolution No. Ka-Aastha-2012/Pra.Ka/Pra.Kra.-204/Jal-13, dated 31st October 2013, issued by the Government of Maharashtra, Rural Development & Water Conservation Department, Mantralaya, Mumbai.
3. The learned Counsel for the petitioners submits, that by way of Government Resolution dated 31st October 2013, all those workers working on daily wages, who had completed 240 days per year in total 5 years, during the period from 1st November 1994 to 30th July 2004, their services are regularized. It is further submitted that the Government Resolution dated 31st October 2013 also gives relief to those who have

worked on daily wages with break up period in works, but completed 240 days per year, for consecutive five years, for the period from 1st November 1994 to 30th June 2004. According to him, the said Government Resolution is arbitrary and de hors to the Government policy, inasmuch as, the other Resolutions published by other Departments of the State Government provided for 240 days' service in each calendar year for 5 consecutive years. However, same benefit is not extended to the other section of workers who have completed 240 days of service earlier to 1st November 1994.

4. The learned Assistant Government Pleader appearing for the State, relying upon the contents of the Government Resolution dated 31st October 2013, submits that there were number of workers working on daily wages in the Government Department for years together and in order to regularize their services, as one time measure, such period was prescribed and there is no any discrimination or illegality which can be attributed for issuance of the said Government Resolution.

5. It appears that the Government has issued the said Resolution so as to redress the grievance of many persons working on daily wages for years together. However, their services could not be regularized in view of the prevailing Government policy, that unless the person continuously works for 5 years and completes 240 days in each calendar year, no benefit of either giving employment on CRT or granting further benefits can be considered. In our opinion, there is no substance in the challenge of the petitioner, inasmuch as, the said Government Resolution is beneficial step taken by the State Government so as to give relief to the persons working

for number of years.

6. Hence, the petition sans merit and the same is rejected.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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