

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

WRIT PETITION NO.4985 OF 1995

The Range Forest Officer,
Mohmandli, Raver,
Tq.Raver, Dist.Jalgaon.

...PETITIONER

-VERSUS-

1 Shri Nyamat s/o Maitab Tadvi,
Age Major, Occu : Service,
R/o Morvhal, Post : Pal,
Tq.Raver, Dist : Jalgaon.

2 The Hon'ble Labour Judge,
Labour Court at Jalgaon.

...RESPONDENTS

...
AGP for Petitioner/ State : Shri P.N.Kutti.
Advocate for Respondent 1 : Shri Kalyan Patil h/f Shri S.R.Barlinge.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th August, 2016

Oral Judgment :

1 Respondent No.2 is not a necessary party and hence, deleted.

2 This Court (Coram : B.H.Marlapalle, J.) by it's order dated
19.02.1998 while admitting this petition, had issued the following
directions:-

*“This is a group of petitions filed either by the
State Government Departments or by the employees
aggrieved by the orders passed against them
regarding termination, discontinuation, refusal to*

grant permanency benefits and so on. The employees involved in all these petitions were working as Muster Assistants under the Employment Guarantee Scheme, admittedly.

The Government of Maharashtra has announced a scheme for the absorption/regularization of services of Muster Assistants on 01.12.1995 and the said scheme has been approved by the Supreme Court by its order dated 02.12.1996 in Civil Appeal No.25339 of 1996. A copy of the said scheme and the order passed by the Supreme Court are brought on record by the learned Assistant Government Pleader. There is also no dispute that most of the employees in these petitions are presently out of employment.

Rule. Expedited.

For considering interim relief, it is directed that the respective State Government Departments/authorities, who are parties in this group of petitions should examine the cases of the employees who are either petitioners or respondents in these petitions and who are presently out of employment so as to grant them benefits of the scheme announced on 01.12.1995 and in case any of such employees are found to be eligible for the benefits of the scheme, a report to that effect be submitted to this Court by the respective authorities. This exercise should be completed by the State authorities in each case within a period of three months from today.

Stand over to 17th of June, 1998.

Liberty granted.”

3 The learned AGP appearing on behalf of the Petitioner/ State submits, on instructions received from the Department, that the Respondent/ Employee has been regularized in service.

4 The learned Advocate for the Respondent/ Employee submits

that there has been regularization of the Respondent.

5 Considering the above, the impugned award dated 20.06.1992 has thus, merged with the subsequent developments and the Respondent has no further grievance against the Petitioner.

6 Insofar as the payment of back-wages for a period of about 18 months is concerned, the impugned award, which is a cryptic award and which does not deal with the issue of unemployment of the Employee and also does not disclose any evidence led by the Employee to the extent of payment of back-wages, shall, therefore, stand set aside. Needless to state, the award is set aside only to the extent of direction to pay back-wages.

6 Since the Respondent/ Employee has been regularized, he shall have the benefit of continuity of service even for the duration from the date of his termination till his reinstatement.

7 In the light of the above, this Writ Petition is partly allowed. Rule is made partly absolute accordingly.