

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

WRIT PETITION NO. 180 OF 2005

Yeshwant s/o Shripad Patil,
Age 56 years, Occ. Service,
R/o. At post Veloda, Tq. Chopada,
Dist. Jalgaon.

... **Petitioner.**

VERSUS

Plantation Officer,
Social Forestry, Chopada,
Dist. Jalgaon.

... **Respondent.**

...

Mr. V.Y. Patil, learned advocate for petitioner.
Mr. S.P. Sonpawale, A.G.P., for respondent State.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 11th May, 2018

JUDGMENT :

1. The petitioner is aggrieved by the judgment and order dated 02.08.2004 by which the Industrial Court has dismissed Complaint U.L.P. No. 200/2001 filed by the petitioner by concluding that the Forest Department/Social Forestry is not an industry, under section 2(j) of the I.D. Act.
2. This Court has admitted this petition on 04.09.2006 and has not granted any protective orders to the petitioner.
3. Mr. Patil, learned advocate for the petitioner has strenuously criticized the impugned judgment. He draws my attention to the eight grounds for challenge, formulated by him in

the memo of petition. He submits that whether Forest Department/ Social Forestry is an industry or not, is still being debated upon and hence the benefits available to the petitioner cannot be taken away by the respondent merely on the pretext that the department is not an industry.

4. The Hon'ble Apex Court in the matter of Chief Conservator of Forests and Anr. V/s. Jagannath Maruti Kolhare & oth., **1996 (2) SCC 239** has concluded that the Forest Department of the State Government which discharges sovereign functions, would not bring the said department under section 2(j) of the I.D. Act. This Court in the matter of Marathwada Sarva Shramik Sanghatana V/s Assistant Director, Department of Social Forestry, Mumbai, **2002 (3) Mh.L.J.,760**, has concluded that the Forest Department/Social Forestry would not be an industry and a complaint under the labour legislation would not be maintainable.

5. Considering the above, I do not find any merit in this petition. The same is therefore dismissed. Rule is discharged.

6. However, in order to ensure that the ends of justice are met, I deem it appropriate to note that as no litigant can be rendered remedy-less, the petitioner would be at liberty to approach the appropriate department of the State Government for considering his case in view of the fact that he has worked continuously since

1985 and he has also been granted reinstatement by Labour Court by the judgment dated 24.02.2001 in connection with his earlier termination.

(RAVINDRA V. GHUGE, J.)

mkd