

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2947 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Ramnath Laxman BhorkadeRespondent
WITH
WRIT PETITION NO. 2927 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Popat Baburao WaghRespondent
WITH
WRIT PETITION NO. 2917 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Rajaram Lalji BuljadRespondent
WITH
WRIT PETITION NO. 2018 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Maruti Keru SalveRespondent
WITH
WRIT PETITION NO. 2608 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Rajaram Govinda ChaudhariRespondent
WITH
WRIT PETITION NO. 2607 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Vilas Mohan BagulRespondent
WITH
WRIT PETITION NO. 2006 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Suresh Rambhau DukareRespondent

WITH
WRIT PETITION NO. 1986 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Narayan Sampat WaghRespondent

WITH
WRIT PETITION NO. 1985 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Ramesh Ananda SalunkeRespondent

WITH
WRIT PETITION NO. 1984 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Namdeo Vishwanath PawarRespondent

WITH
WRIT PETITION NO. 1983 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Haribhai Barku SonawaneRespondent

WITH
WRIT PETITION NO. 1982 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Govind Sukar ChaudhariRespondent

WITH
WRIT PETITION NO. 1973 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Babu Dhanshing RathodRespondent

WITH
WRIT PETITION NO. 1972 OF 2008
The State Of Maharashtra And Anr.Petitioners
V/S
Shivaji Khandu KadamRespondent

WITH
WRIT PETITION NO. 1971 OF 2008
The State Of Maharashtra And Anr.Petitioners

V/S
Sudam Narayan DeoreRespondent

WITH
WRIT PETITION NO. 1970 OF 2008
The State Of Maharashtra And Anr.Petitioners

V/S
Raju Ramdas KachaveRespondent

WITH
WRIT PETITION NO. 1968 OF 2008
The State Of Maharashtra And Anr.Petitioners

V/S
Rajaram Navasu GavitRespondent

WITH
WRIT PETITION NO. 2951 OF 2008
The State Of Maharashtra And Anr.Petitioners

V/S
Vijay Shivaji LondheRespondent

....
Mrs.Vaishali Nimbalkar AGP for petitioners
Mrs.Seema Sarnaik a/w. Ms. Sanchita Thakur for respondents
Shri Rajendra Appaji Kapase, Assistant Conservator of Forest,
Manmad, East Division, District Nashik.

....
CORAM : M.S.KARNIK, J.

DATE : 3rd APRIL, 2019

P.C. :

An Affidavit dated 6/2/2019 has been filed on behalf of the petitioners, duly affirmed by Shri Rajendra Appaji Kapase, Assistant Conservator of Forest, Manmad, East Division, District Nashik. It would be necessary to state the relevant portion of the contents of the Affidavit which read thus :

“4. I say that during the pendency of these writ petitions, the Revenue and Forest Department, has issued the Government Resolution dated 16.10.2012 and guidelines were issued for regularization of the employees / daily wages workers who were working in the forest department prior to the year 2004. Hereto annexed and marked as **Exhibit 2** is the copy of the Government Resolution dated 16.10.2012.

5. I say that as per the Government Resolution dated 16.10.2012, the Respondents have shown their willingness to accept the said terms and conditions and thereby executed Affidavit-cum-Declaration before the Executive Magistrate and thereby agreed to the terms and conditions laid down in the Government Resolution dated 16.10.2012 and thereby shown their readiness and willingness to withdraw all the cases filed by him against the Petitioners in various courts. In the said Affidavit, they also declared that they will be absorbed in their service on permanent basis and they will not claim any backwages. I say that the said Affidavits were duly signed by the Respondents on oath before the Executive Magistrate.

6. I say that the respondents have been absorbed as per the Government Resolution dated 16.10.2012 and they have given Undertaking that they will not claim benefits given by the Industrial Court. Details of which is as under :-

S. No.	W.P.No.	Name of the Respondent	Date of Undertaking given by the Respondent	Date of Absorption
1	W.P.No.1983/2008	Shri Haribhau Barku Sonawane	6.12.2012	4.3.2013
2	W.P.No. 2927/2008	Shri Popat Baburao Wagh	28.12.2012	31.12.2012
3	W.P.No. 1970/2008	Shri Raju Ramdas Kachawe	8.1.2013	4.3.2013
4	W.P.No.2607/2008	Shri Vilas Mohan Bagul	28.12.2012	28.5.2013
5	W.P.No. 2016/2008	Shri Raghunath Chindha Mali	28.12.2012	31.12.2012
6	W.P.No. 1972/2008	Shri Shivaji Khandu Kadam	6.12.2012	28.5.2013
7	W.P.No. 12916/2008	Shri Tulshiram Nanu Pawar	30.4.2013	30.5.2013
8	W.P.No.1968/2008	Shri Rajaram Navasu Gavit	30.4.2013	30.5.2013
9	W.P.No.2917/2008	Shri Rajaram Lalaji Bhujad	30.4.2013	29.5.2013

10	W.P.No. 2608/2008	Shri Rajaram Govinda Choudhari	30.4.2013	30.5.2013
11	W.P.No. 1971/2008	Shri Sudam Narayan Devare	28.2.2013	4.3.2013
12	W.P.No.1985/2008	Shri Ramesh Ramdas Salunkhe	28.12.2012	31.12.2012
13	W.P.No. 1984/2008	Shri Namdev Vishwanath Pawar	4.1.2013	5.3.2013
14	W.P.No. 2006/2008	Shri Suresh Rambhau Dukare	4.1.2013	4.3.2013
15	W.P.No. 1982/2008	Shri Govind Sukar Choudhari	4.1.2013	4.3.2013
16	W.P.No. 2947/2008	Shri Ramnath Laxman Bhorkade	5.12.2012	31.12.2012
17	W.P.No.2951/2008	Shri Vijay Shivaji Londhe	28.12.2012	31.12.2012

Hereto annexed and marked as **Exhibit 3 Colly.** are copies of appointment orders and the Undertaking given by the Respondents.

7. I say that the Petitioners have already filed the Civil Application No.2796 of 2014 and other civil applications and prayer was made that the Respondents were absorbed as a permanent employee of the Petitioners department and Respondents had withdrawn all the proceedings earlier filed by them before the Industrial Court, Nashik. The said Civil Applications were disposed of vide order dated 8.9.2015 and expressed view that unless the Applicant – State demonstrates by issuing appropriate orders that the Respondents have been absorbed on permanent basis, these Civil Applications cannot be considered. Hereto annexed and marked as **Exhibit 4** is copy of the order dated 8.9.2015 passed by this Hon'ble Court in C.A.No.2796 of 2014.

8. I say that at the time of hearing civil application inadvertently, Clause (1) (ii) of Government Resolution dated 16.10.2012, was not brought to the notice of the Hon'ble Court. In the said clause is self-explanatory which provides that from 1.6.2012, the concerned employees will be eligible for the pensionary benefits and governed under the provisions of the Maharashtra Civil Services Rules.

9. I say that in the light of the abovementioned facts and circumstances and in view of the facts that the Respondents have already accepted the appointment orders as per terms and conditions mentioned in Government Resolution dated 16.10.2012 and they have given Undertaking that they will not claim any benefits granted by the Industrial Court.

I say and submit that in view of the Undertaking given by the Respondents, the orders passed by the Labour Court and Industrial Court, does

not survive and hence, the Hon'ble Court may be pleased dispose of the present writ petitions by passing appropriate order in the interest of justice.”

2. In the light of this Affidavit and in view of the Undertakings given by the respondents, the Petitions can be disposed of in terms of what is stated in the Affidavit and as has been accepted by the respondent – workman in the Undertakings which have been filed by them before the Authorities.

3. In this view of the matter, the orders passed by the Labour Court and Industrial Court do not survive and hence the Petitions are disposed of in view of the Affidavit filed by the petitioners.

4. Rule is partly made absolute in the above terms.

(M.S.KARNIK, J.)