

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2311 OF 2019

DINKAR DASHRATH JAYBHAY
VERSUS
DEPUTY CONSERVATOR OF FOREST, AHMEDNAGAR FOREST
DEPARTMENT

WITH
WRIT PETITION NO.5435 OF 2019

BANKAT MAHADEV VEER
VERSUS
DEPUTY CONSERVATOR OF FOREST, AHMEDNAGAR FOREST
DEPARTMENT

WITH
WRIT PETITION NO.5442 OF 2019

VIKRAM HOUSRAO JAYBHAY
VERSUS
DEPUTY CONSERVATOR OF FOREST, AHMEDNAGAR FOREST
DEPARTMENT

Mr.P.V.Barde, Advocate for the petitioner.
Mr.S.D.Ghayal, AGP for respondent.
Mr.R.V.Dasalkar, AGP for respondent (in WP No.5435/2019)
Mr.S.B.Sangle, AGP for respondent (in WP No.5442/2019)

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : FEBRUARY 23, 2021

PER COURT :

1. In all these matters, these petitioners have challenged the judgment and awards dated 11/04/2018, 16/04/2018 and 12/04/2018 delivered by

the Labour Court, Ahmednagar vide which Reference IDA Nos. 51/2014, 46/2014 and 47/2014 have been answered in the negative.

2. I have considered the strenuous submissions of the learned Advocate for the petitioners who has painstakingly assailed the impugned awards. He draws my attention to the evidence recorded and submits that as limitation is not applicable to a deemed Industrial Dispute u/s 2(A) of the I.D.Act, though the petitioners may have been disengaged as daily wagers on 16/07/1987, 01/07/1990 and 16/07/1987, respectively, their industrial dispute as in 2014, was maintainable.

3. I find that these 3 petitioners had joined as “Wanmajoor” on daily wages on 01/07/1980.. They claim reinstatement with continuity and full back wages or compensation in lieu of reinstatement in the light of the judgments delivered by the Hon’ble Apex Court in the cases of Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub-Division, Kota Vs. Mohanlal [2013 LLR 1009], Assistant Engineer, Rajasthan Development Corporation and another Vs. Gitam Singh [(2013) 5 SCC 136], BSNL Vs. Man Singh [(2012) 1 SCC 558], Jagbir Singh Vs. Haryana State Agriculture Marketing Board [(2009) 15 SCC 327].

4. The learned AGP appearing on behalf of the respondent submits that these petitioners had preferred an application under the Right to

Information Act and a Forest Labourer of the respondent namely Shri Shivaji Aasaram Kate had fabricated charts of engagement of these petitioners and furnished them to these 3 persons under R.T.I. This aspect was subsequently exposed and Shivaji Kate was not only subjected to disciplinary action, but was also arrested in view of a crime registered against him. It is stated that these workers were working on Employment Guarantee Scheme, as and when work was available. It is well settled that employees working on E.G.S. cannot prefer a complaint or a reference case before any Court for seeking reinstatement with continuity or for regularization.

5. This Court has crystallized the Law on Employees engaged under E.G.S. and it has been held that such employees have no right to seek reinstatement or continuity in service or regularization. So also, in these 3 cases, fabricated documents were sought to be placed before the Court. The number of days on which these petitioners worked on daily wages, was also not proved. So also, employees engaged under E.G.S. have no legal right to challenge their disengagement before the Labour Court or in a reference before a Tribunal.

6. As such, these 3 petitions, being devoid of merit, are therefore, dismissed.

(RAVINDRA V. GHUGE, J.)