

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1574 OF 2014

The State of Maharashtra and others ... Petitioners

VERSUS

Vishnu Gopinath Suryawanshi ... Respondent

Mrs. V. S. Chaudhary, AGP for the petitioner
Mr. Parag V. Barde, Advocate for the respondent

CORAM : RAVINDRA V. GHUGE, J.

DATE : 7th March, 2022

ORDER:

1. By this petition, the State and the Forest Department have challenged the Judgment and Award of the Labour Court dated 11.09.2012 answering the reference in the affirmative in Reference (IDA) No.24/2017.

2. The respondent has been granted reinstatement in service with continuity. Back wages have been denied. Thereafter, the respondent employee preferred Complaint (ULP) No. 146/2013 claiming permanency, which was allowed by the Industrial Court on 31.03.2017. The State/Employer preferred Writ Petition No. 789/2019 before this Court. This Court relied upon the view taken by the Division Bench in the case of Chief Conservator of Forests, Pune (T) and another vs. Janabai Sonaba Sarpale, 2019 II CLR 28, wherein, the

Forest Department in the State of Maharashtra is declared to be an industry. This Court also relied upon the judgment delivered in Writ Petition No.2021/2006 in the case of State of Maharashtra and the Deputy Director, Social Forestry vs. Ahmednagar Zilla Van Kamgar Union. By applying the same law, Writ petition No.789 of 2019 was disposed of by order dated 21.06.2019.

3. The learned Advocate for the respondent employee submits that his proposal for regularization is already forwarded and pending with the State Government.

4. In view of the above, despite the strenuous submissions of learned AGP who has relied upon grounds (i) to (x) formulated in the memo of the petition, I do not find any perversity in the impugned award. Back wages have been denied and as such, there is no financial burden cast upon the State Government. The respondent employee is already reinstated in employment with continuity and his proposal for regularization is pending.

5. Writ petition stands disposed of.

(RAVINDRA V. GHUGE, J.)

JPC