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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO.13331 OF 2021

**RAMESH DHADU DHANGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.G. V. Wani, Advocate for the petitioner
Mr. S. R. Yadav-Lonikar, AGP for the respondent No.
1 to 3

CORAM : RAVINDRA V. GHUGE, J.

DATE : 17-03-2022

P. C.

1. The petitioner is before this court for challenging the order dated 03-10-2019, passed by the Range Forest Officer, Social Forestry Range, Parola Region, Tq. Parola, Dist. Jalgaon, vide which his proposal for seeking regularization in the light of Government Regulations dated 19-10-1996, 16-10-2012 and 10-05-2018, has been rejected.

2. I have considered the strenuous submissions of the learned Advocates for the respective sides and have perused the record placed before the court by the Social Forestry Department.

3. It appears from the record that the petitioner had not worked for a single day in between 01-11-1989 to 31-10-1990 and 01-11-1990 to 31-10-1991. In the period 01-11-1991 to 31-10-1992, he worked for 30 days. His engagement on EGS has to be ignored in the light of the settled position of law. In between 01-11-1992 to 31-10-1993, he worked for 354 days, in between 01-11-1993 to 31-10-1994, he worked for 343 days. In the period 01-11-1994 to 31-10-1995, he worked for 347 days. In the period 01-11-1995 to 31-10-1996, he worked for 326 days. In the period 01-11-1996 to 31-10-1997, he worked for 342 days. In the period 01-11-1997 to 31-10-1998, he worked for 322 days. In the period 01-11-1998 to 31-10-1999, he worked for 144 days and he is disengaged w.e.f. 01-11-1999.

4. The petitioner approached the Labour Court by preferring complaint (ULP) No.53 of 1999 alongwith another employee Yuvraj Patil for challenging his retrenchment. The Labour Court granted reinstatement in service with continuity and full backwages. The Industrial Court dismissed the revision (ULP) No. 77 of 2003 filed by the department, vide judgment dated 28-06-2004. By a

detailed order dated 08-02-2005, the impugned judgments were stayed by this court subject to deposit 50% of the backwages. It was un-disputed that these backwages were withdrawn by both the employees.

5. By judgment dated 07-06-2018, in Writ Petition No. 697 of 2005, this court has allowed the petition filed by the department and quashed and set aside the impugned judgments. It was held that these two employees could not be granted reinstatement in service with continuity and full backwages, considering that they had worked on daily wages and there was no creation of post by the Social Forestry Department. The amounts withdrawn by these two employees from this court, pursuant to the interim order dated 08-02-2005, were not to be recovered and they were permitted to retain the said amounts.

6. The present petitioner had preferred complaint (ULP) No. 210 of 1993, seeking permanency, before the Industrial Court, Jalgaon. This complaint was re-numbered as 852 of 1999, with the creation of the Industrial Court at Jalgaon. Same was allowed by the judgment dated 04-09-2000. This was challenged

by the department in writ petition No. 657 of 2001, before this court and by judgment dated 27-06-2019, the view taken by this court in other matters vide judgment dated 06-05-2019 delivered in writ petition No. 2182 and 2183 of 1999, was made applicable to the present petitioner.

7. Apparently, it was not brought of the notice of this court either by the department or the present petitioner that his reinstatement by the Labour Court has been set aside and the writ petition No. 697 of 2005 has been allowed by the judgment dated 07-06-2018 on the ground that he was working on the Jawahar Rozgar Yojana. Since it's retrenchment was upheld by this court and since he is not in employment from 01-11-1999, this court should not have directed to forward his proposal to the department for consideration in the light of the three government resolutions referred to hereinabove. I am the author of the judgment dated 07-06-2018 as well as 27-06-2019. While delivering the judgment dated 27-06-2019, apparently neither of the parties brought my earlier judgment dated 07-06-2018, to my notice.

8. In view of the above, the impugned order dated 03-10-2019, passed by the Range Forest Officer, Pachora concluding that the petitioner cannot get the benefit of the said government resolutions, as he has not worked for any period from 01-11-1999 onward, which is after his retrenchment which has been sustained by this court, I do not find the department has committed any error in passing the said order. It is sad that neither of the parties brought to my notice the earlier judgment dated 07-06-2018. Had this been done, I would not have issued the directions which I have done vide order dated 27-06-2019.

9. In view of the above, this writ petition is dismissed.

[RAVINDRA V. GHUGE, J.]