

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

WRIT PETITION NO.8955 OF 2023

Uddhav Dhondiba Yerkal

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-400 032.
2. Principal Chief Conservator of Forest,
Vanbhavan, Ramgiri Road, Civil Lines,
Nagpur.
3. Chief Conservator of Forest,
Vanparimandal, Vanbhavan,
Old Agra Road, Nasik
4. Divisional Forest Officer,
Van Bhawan, Aurangabad Road,
Ahmednagar.
5. Range Forest Officer, Shrigonda,
Tq. Shrigonda, Dist. Ahmednagar

... **RESPONDENTS**

...

Advocate for Petitioner : Mr. Barde Parag Vijay

AGP for Respondent/State : Mrs. M.A. Deshpande

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, J.J.**

DATE : 26.07.2023

PER COURT :

Heard the learned advocate for the petitioner as also the learned AGP.

2. The petitioner has been working as a daily wager with the respondent - forest Department. The Industrial Court by the order dated 15.09.2015 had directed him to be regularized pursuant to the Government

Resolutions dated 31.01.1996 and 16.10.2012. It was also observed that he was not working under the Employment Guarantee Scheme (E.G.S.) and had served for a continuous period of more than five years since the date of initial appointment. The order of the Industrial Court was challenged by the respondents in this Court in Writ Petition No.9755/2016. By the order dated 23.01.2017, the petition was partly allowed and a direction was given to the respondents to consider the petitioner's case in accordance with the Government Resolution dated 31.01.1996 and to grant regularization on the basis of eligibility and seniority.

3. It appears that the petitioner is now aggrieved by the fact that subsequently the respondent No.2 has addressed a communication to the respondent No.1 (**Annexure-D**) dated 21.02.2022, pursuant to the directions of the Industrial Court and this Court. However, while submitting the proposal once against the statistics is provided indicating that the petitioner was serving under the E.G.S. scheme since inception till the year 2009-10. The petitioner now apprehends that in view of such defective proposal, there is every possibility of the respondent No.1 passing an order adverse to him.

4. Once not only the Industrial Court but even this Court had expressly declared that the petitioner was not engaged under the Employment Guarantee Scheme, it is indeed unbecoming of the respondent No.2 to once again persist with the stand. Already such a conduct of the respondent No.2 has been deprecated by this Court in WP No.8908/2023

dated 25.07.2023.

5. We, therefore, allow the writ petition partly and direct the respondent No.1 to take appropriate decision in accordance with the law and the Government resolutions, the directions of the Industrial Court and this Court, as expeditiously as possible and in any case within 12 (twelve weeks), ignoring the statements in the proposal (**Annexure-D**) wherein the petitioner has been stated to have put in the working days under E.G.S. scheme.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)