

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

940 WRIT PETITION NO. 8908 OF 2023

RATAN ANNA CHAVAN AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Barde Parag Vijay
Addl. GP for Respondents : Mr. P.S. Patil
...

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

DATE : 25 JULY 2023

PER COURT :

Heard the learned Advocate for the petitioners and the learned AGP.

2. In spite of a specific finding by the Labour Court as well as the Industrial Court holding the petitioners entitled to regularization and in spite of a specific finding that they were not engaged under the Employment Guarantee Scheme, while forwarding a proposal, the respondent no. 2 has apparently once again submitted the proposal by expressly mentioning that these petitioners were engaged under the Employment Guarantee Scheme.

3. Learned Advocate for the petitioners submits that this is being done mischievously. Even earlier this had happened in respect of similarly placed individuals, whose proposals were subsequently

rejected only on this very ground and they had to approach this Court in Writ Petition No. 6912/2022, Subhash Harku Dhaple Versus The State of Maharashtra and others, with connected Writ Petitions. By order dated 29 July 2022, petitions were allowed and even a notice was directed to be issued to the then Deputy Conservator of Forest, Ahmednagar, to show cause as to why action should not be initiated against him, in all probabilities for contempt.

4. Admittedly, the Labour Court has emphatically held that the petitioners were not engaged under the Employee Guarantee Scheme which is an anathema for regularization. When the order was confirmed by the Industrial Court, the conduct of respondent no. 2 once again to take a stand that they were engaged under the Employment Guarantee Scheme is *ex facie* contemptuous. Admittedly, there was no challenge put up by the respondents to the orders of the Industrial Court. If such is the state of affairs, one cannot take exception to the petitioners apprehension that since the impugned proposal annexure 'E' once again refers the petitioners as having been engaged under the Employment Guarantee Scheme, the proposals would be rejected, cannot be said to be wholly untenable.

5. We, therefore, dispose of the Writ Petition by directing the respondent no. 1 to take appropriate decision / pass appropriate order pursuant to the proposal received by him from the respondent no. 2 – Principal Chief Conservator of Forest, dated 18 February 2022, on its own merits and as expeditiously as possible and in any case within

twelve weeks, however, by ignoring the statements made in the proposal which run counter to the findings of the Labour Court and the Industrial Court.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

spc/