



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

18 WRIT PETITION NO. 6838 OF 2024

DANIAL BABURAO UJAGARE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

...

Shri Barde Parag Vijay, Advocate for the Petitioner.

Shri R.K. Ingole, AGP for Respondent Nos.1 to 5/State.

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CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 08th July, 2024

Per Court :-

1. Despite the categoric findings on the basis of the oral and documentary evidence by the Industrial Court, Ahmednagar, vide the judgment dated 02.12.2021, delivered in Complaint (ULP) No.32/2016, the impugned communication is issued by one Shri Santosh J. Kale, Desk Officer, Revenue and Forest Department, Government of Maharashtra, Mumbai, addressed to the Additional Principal Chief Conservator of Forest (Administrative Sub Cadre), Maharashtra State, Nagpur, asking whether, the service of the Petitioner has been dispensed with and whether, the judgment of the Industrial Court is an interim

order or final order. This communication is dated 01.06.2023. Apparently, the order of the learned Industrial Court dated 02.12.2021, has not been complied with.

2. The learned Advocate for the Petitioner submits that the said order dated 02.12.2021, has attained finality as there is no challenge before the learned Single Judge.

3. In view of the above, we direct Respondent Nos.2 and 3 to ensure that the appropriate Authority shall forward the proposal of the Petitioner for regularization, in the light of the conclusions of the Industrial Court that he was not working on the Employment Guarantee Scheme (EGS) or Mahatma Gandhi Rural EGS and that he was on regular establishment of the employer. The proposal for regularization of his service would be forwarded to the Competent Authority within 60 days from today. Thereafter, the Competent Authority shall decide the proposal within 90 days. In the event, the Petitioner attains the age of retirement from service, the decision to regularize and grant a deemed date, would be in terms of the Industrial Court's order and he would be entitled for all consequential reliefs

flowing from his regularization in employment.

4. If there is any legal impediment in implementing this order, the Respondents shall approach this Court by filing a Civil Application, well within time.

5. With the above directions, this **Writ Petition is disposed off.**

kps (Y. G. KHOBRADE, J.) (RAVINDRA V. GHUGE, J.)