



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6813 OF 2025

Baban Dhondiba Barve & Ors.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Parag Vijay Barde, for Petitioners.
- Mr. S. V. Hange, AGP for Respondents.

CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 09th JULY 2025.

P. C. :

1. This petition is coming up for consideration for the first time, but, since the learned AGP appears for all the respondents, considering the peculiar facts brought to the notice of this Court, we are inclined to dispose of the petition.

2. **Rule. Rule** made returnable forthwith. Heard finally with the consent of the parties.

3. The petitioners herein are similarly situated to a number of other employees of the respondent – Forest Department, who had approached this Court by filing various writ petitions raising an identical grievance. Such petitions were disposed of by issuing specific directions. Considering the documents filed along with the petition, we are of the opinion that the present writ petition can also be

disposed of in a similar manner.

4. The record shows that both the Labour Court as well as the Industrial Court have concurrently held after hearing all parties that the petitioners herein like other similarly situated persons were not employed under the Employment Guarantee Scheme and they were working as temporary employees with the respondents. Their plea for regularization was considered in the proceedings initiated before the Labour Court and the Industrial Court, which ultimately led to their complaint being partly allowed and a specific direction being issued to the respondent – State to consider proposals for regularization of the petitioners and till such time the services of the petitioners would not be terminated except by following due process of law. It is a matter of record that with passage of time, the petitioners have superannuated.

5. In pursuance of the said directions issued by the Industrial Court, the proposals for regularization of the petitioners along with others were considered. But, by the impugned communications/orders issued in the year 2021, the proposals for regularization have been rejected only on the ground that the petitioners were working under the Employment Guarantee Scheme. We are in complete agreement with the submissions made on behalf of the petitioners that such a

finding rendered in the impugned communications/orders while rejecting the proposals for regularization of the petitioners, flies in the face of findings rendered by the Labour Court and the Industrial Court in favour of the petitioners. The manner in which the proposals for regularization of the petitioners have been rejected shows that the respondent – State has demonstrated scant regard for findings rendered by the Labour Court and the Industrial Court.

6. It is relevant to note that while disposing of Writ Petition No.6912 of 2022 and connected writ petitions, raising identical issues, in the order dated 29th July 2022, a Division Bench of this Court recorded a submission made on behalf of the respondent – State that the orders of the Labour Court and the Industrial Court were not challenged in a Higher Court, thereby indicating that such findings attained finality. In this backdrop, the Division Bench of this Court allowed the aforesaid petitions, by setting aside the orders passed by the respondent authorities and a direction was issued to reconsider the proposals for regularization of the petitioners therein, by recording that none of them were working on Employment Guarantee Scheme and to accordingly initiate steps for regularizing their services in the light of the judgment of the Industrial Court. In fact, notice was issued to a specific officer of the Forest Department, who was found to be

acting in the teeth of Court orders. We are informed that in pursuance of the notice issued to the said individual officer, a cost of ₹10,000/- was imposed upon him.

7. We are of the opinion that the petitioners herein also are identically situated and therefore, this petition also deserves to be allowed. Considering the fact that two of the petitioners are senior citizens and all of them were working as labour, we agree with the submissions made on their behalf that although the impugned communications/orders are of the year 2021, they became available to the petitioners recently for mounting a challenge upon the same.

8. In view of the above, the petition is allowed. The impugned communications/orders dated 20th January 2021, 23rd March 2021 and 30th April 2021, are quashed and set aside. The respondent No.2 – Principal Chief Conservator of Forest, is directed to reconsider the proposals for regularization of the petitioners by recording that none of them were working in the Employment Guarantee Scheme and accordingly, initiate steps for regularizing of their services in the light of judgment and order dated 17th September 2018, passed by the Industrial Court at Ahmednagar (now Ahilyanagar) in Complaint (ULP) No.73 of 2017.

9. The respondent No.2 shall reconsider the proposals and pass appropriate orders within six (06) weeks from today. We notice that apart from the petitioners, there were three other identically situated persons, who were complainants in the said Complaint (ULP) No.73 of 2017, partly allowed by the said order of the Industrial Court dated 17th September 2018. Their names are 1) Annasaheb Karbhari Darekar, 2) Alhat Popat Tukaram and 3) Bhausahab Dattatray Pawade. Even if the said three individuals have not approached this Court for seeking identical relief, in the interest of justice, the respondent No.2 is directed to reconsider their proposals also for regularization in the aforesaid manner and to pass appropriate orders within six weeks from today.

10. The respondent No.2 shall act on the order passed in this petition with alacrity and we expect that the proposals are decided within the timeline given hereinabove.

11. The writ petition stands disposed of in above terms.

12. Rule made absolute in above terms.

13. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)