



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

WRIT PETITION NO. 13590 OF 2024

THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY DEPARTMENT
OF FOREST GOVERNMENT OF MAHARASHTRA
VERSUS
NATHARAO RAMRAO HODBE

AND

WRIT PETITION NO. 13594 OF 2024

THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY DEPARTMENT
OF FOREST GOVERNMENT OF MAHARASHTRA
VERSUS
MUBSARODDIN SHABBIRODDIN SIDDIQUI

AND

WRIT PETITION NO. 13596 OF 2024

THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY DEPARTMENT
OF FOREST GOVERNMENT OF MAHARASHTRA
VERSUS
VILAS WAGHOJI CHAVHAN

AND

WRIT PETITION NO. 13599 OF 2024

THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY DEPARTMENT
OF FOREST GOVERNMENT OF MAHARASHTRA
VERSUS
MOHAN FAKIRA JADHAV

AND

WRIT PETITION NO. 13600 OF 2024

THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY DEPARTMENT
OF FOREST GOVERNMENT OF MAHARASHTRA
VERSUS
PRASAD SATWARAO BHISE

AND
WRIT PETITION NO. 13601 OF 2024

THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY
DEPARTMENT OF FOREST GOVERNMENT OF MAHARASHTRA
VERSUS
AKHILLUJJAMAKHA SHAFIUJJAMAKHA PATHAN

AND
WRIT PETITION NO. 13602 OF 2024

THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY
DEPARTMENT OF FOREST GOVERNMENT OF MAHARASHTRA
VERSUS
ANKUSH LALSING JADHAV

AND
WRIT PETITION NO.13593 OF 2024

THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY
DEPARTMENT OF FOREST GOVERNMENT OF MAHARASHTRA
VERSUS
KISHOR UDDHAVRAO BHUSARI

Mr.A.S.Shinde, AGP for petitioner - State

Mr.Ajay Deshpande, Advocate i/b. Mr.Bhargav B. Kulkarni and
Mr.Tapan K. Sant, Advocate for respondent

**CORAM : R.G.AVACHAT AND
SANDIPKUMAR C. MORE, JJ.**
DATE : MARCH 24, 2025

ORDER :-

Heard.

2. This group of eight petitions has been preferred by the
State of Maharashtra, taking exception to the judgment and order

dated 20.04.2023, passed by the Maharashtra Administrative Tribunal (M.A.T.), Mumbai, Bench at Aurangabad, granting the respondents benefit of the Government Resolution dated 16.10.2012. The challenge is mainly on the following grounds:-

- (i) The respondents approached the M.A.T. belatedly, i.e. seven years after the Government Resolution was issued;
- (ii) There was no tangible proof of the respondents to have worked for 240 days during a period of five years, i.e. between 1994 and 2004;
- (iii) Two of the respondents had been retrenched from service and they were no longer working during the period covered by the Government Resolution;
- (iv) The M.A.T. did not have jurisdiction to entertain the petition since the respondents were casual workers and therefore, they should not be termed to be the civil servants as per Article 311 of the Constitution of India.

3. Learned counsel for the respondents relied on the Apex Court's judgment in the case of **Union of India and ors. Vs. Deep Chand Pandey and anr., AIR 1993 SC 382**, wherein, it has been held that the casual workers, even after their termination, were entitled to the Government's beneficial policy; and for enforcement of their right thereunder, they had to approach the Central Administrative Tribunal. Relying on this judgment, we are of the opinion that the respondents rightly approached the Maharashtra Administrative Tribunal.

4. So far as regards another ground that the respondents have not completed the requisite period of service during the requisite period concerned, though there was a fact-finding report on record, it was the State, i.e. one of its instrumentalities submitted to the respondents the information under the Right to Information Act, admitting them to have completed the requisite days of service qualifying them to be entitled for the benefit of the said Government Resolution. It is informed by learned AGP that the Officer, who submitted the said information, has not been taken to task.

5. So far as retrenchment of two of the respondents is concerned, although they have been paid the retrenchment

allowance in the year 2004, they had served during the requisite period that has been covered by the Government Resolution, the benefit of which is sought. This ground too, therefore, fails. The ground of delay in approaching the M.A.T., was not specifically raised in the affidavit in reply filed by State. The same is presumed to have been waived.

6. In view of the above, in our view, the petitions lack merit and deserve to be dismissed. The same are dismissed.

[SANDIPKUMAR C. MORE, J.]

[R.G. AVACHAT, J.]

KBP