

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.1333 OF 2004**

The Range Forest Officer

Phaltan Range

V/S

Jagannath Ganpat Shinde

....Petitioner

....Respondent

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**Ms. Vaishali S. Nimbalkar, AGP** *for the Petitioners/State.*

**Mr. Dilip Bodake,** *for Respondent.*

*Mr. Sachin S. Raghatwan, Range Forest Officer, Phaltan Range,  
Satara Division present in Court.*

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**CORAM: SANDEEP V. MARNE, J.**

**DATE : 06 FEBRUARY 2025.**

**P.C.:**

1. The Petition challenges Award dated 27 June 2002 passed by the learned Presiding Officer, Labour Court, Satara, directing Respondent's reinstatement with continuity of service from 1 April 1991 but without backwages.

2. I have heard Ms. Nimbalkar, the learned AGP appearing for the Petitioner/State Government and Mr. Bodake, the learned counsel appearing for the Respondent-employee.

3. The Petition was admitted by order dated 16 August 2004 and while staying the Award of the Labour Court, this Court directed employment of Respondent as and when the work was available. It appears that in pursuance of interim order passed

by this Court on 16 August 2004, Respondent has been employed intermittently on various occasions.

4. During pendency of the present Petition, Government Resolution dated 16 October 2012 was issued directing absorption of services of *Vanmajur* (forest labourers) who had completed 240 days of service during five years during 1 November 1994 to 30 June 2004. In pursuance of the Government Resolution dated 16 October 2012, the services of the Respondent came to be regularized by Deputy Conservator of Forest, Satara by order dated 10 February 2013 with effect from 1 June 2012. The Respondent is thus regularized in service during pendency of the present Petition. He has attained age of superannuation on 31 July 2021 and has retired from service. He is now awaiting payment of pension and pensionary benefits which are apparently withheld on account of pendency of present Petition.

5. Since services of the Respondent are already regularized with effect from 1 June 2012, nothing really survives in the present Petition. The impugned Award directed reinstatement of Respondent with effect from 1 April 1991 without backwages. In pursuance of interim order passed by this Court, Respondent was engaged intermittently during 1998 to 2003. In my view, the only relief that can be granted in favour of Respondent is to count 50% of his casual/daily rated/temporary services rendered from the year 1986 onwards towards qualifying service for pension so that he completes more than 10 years of service

required for payment of pension and pensionary benefits. Ms. Nimbalkar has placed chart of casual services rendered by Respondent during 1998 to 2003. Mr. Bodake would submit that during 1992 to 1997, Respondent has worked at Koregaon Range. Petitioner shall verify the entire casual service rendered by Respondent in all the Divisions/Ranges and count 50% of that period towards qualifying of service for pension. If required, Respondent shall produce necessary documentary evidence of casual services rendered by him in various Divisions/Ranges.

6. The Petition is accordingly disposed of directing the Petitioner to count 50% of casual/daily wage service rendered by Respondent towards qualifying service for pension. Pension papers of the Respondent shall forthwith be processed and the entire arrears of pension and pensionary benefits shall be paid to him within a period of three months. The Order passed by the Labour Court shall stand modified to this extent.

7. With the above directions, the Writ Petition is **disposed of**. Rule is partly made absolute.

**(SANDEEP V. MARNE, J.)**

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