

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

WRIT PETITION NO.4929 OF 2025

Divisional Manager,
Forest Development Department West NashikPetitioner

V/S

Balwant Pandit KadamRespondent

WITH

WRIT PETITION NO.4933 OF 2025

Divisional Manager,
Forest Development Department West NashikPetitioner

V/S

Kasu Bhavdu DeshmukhRespondent

WITH

WRIT PETITION NO.13181 OF 2022

Divisional Manager,
Forest Development Corporation
of Maharashtra LimitedPetitioner

V/S

Krishna Gangaram BhojeRespondent

WITH

WRIT PETITION NO.16148 OF 2024

Divisional Manager,
Forest Development Department West NashikPetitioner

V/S

Vasant Vitthal GadekarRespondent

WITH

WRIT PETITION NO.11632 OF 2024

Divisional Manager,
Forest Development Department West NashikPetitioner

V/S

Vijay Raghav KhaireRespondent

**WITH
WRIT PETITION NO.11633 OF 2024**

Divisional Manager,
Forest Development Department West NashikPetitioner
V/S
Namdeo Devram BoraseRespondent

**WITH
WRIT PETITION NO.11635 OF 2024**

Divisional Manager,
Forest Development Department West NashikPetitioner
V/S
Sadashiv Kashinath GadekarRespondent

**WITH
WRIT PETITION NO.11640 OF 2024**

Divisional Manager,
Forest Development Department West NashikPetitioner
V/S
Pandurang Motiram JadhavRespondent

**WITH
WRIT PETITION NO.11641 OF 2024**

Divisional Manager,
Forest Development Department West NashikPetitioner
V/S
Lalji Shankar BagulRespondent

**WITH
WRIT PETITION NO.13183 OF 2022**

Divisional Manager,
Forest Development Corporation
of Maharashtra LimitedPetitioner
V/S
Vedu Kalu JadhavRespondent

**WITH
WRIT PETITION NO.13185 OF 2022**

Divisional Manager,
Forest Development Corporation
of Maharashtra Limited

....Petitioner

V/S

Hiramn Malhari Kavar

....Respondent

**WITH
WRIT PETITION NO.13186 OF 2022**

Divisional Manager,
Forest Development Corporation
of Maharashtra Limited

....Petitioner

V/S

Narayan Arjun Kavar

....Respondent

**WITH
WRIT PETITION NO.13237 OF 2022**

Divisional Manager,
Forest Development Corporation
of Maharashtra Limited

....Petitioner

V/S

Santosh Daulat Wagh

....Respondent

**WITH
WRIT PETITION NO.13187 OF 2022**

Divisional Manager,
Forest Development Corporation
of Maharashtra Limited

....Petitioner

V/S

Mohan Pandu Kavar

....Respondent

**WITH
WRIT PETITION NO.13189 OF 2022**

Divisional Manager,
Forest Development Corporation
of Maharashtra Limited

....Petitioner

V/S

Somanath Govinda Dalvi

....Respondent

**WITH
WRIT PETITION NO.13193 OF 2022**

Divisional Manager,
Forest Development Corporation
of Maharashtra Limited

....Petitioner

V/S

Laxman Soma Gaikwad

....Respondent

**WITH
WRIT PETITION NO.13190 OF 2022**

Divisional Manager,
Forest Development Corporation
of Maharashtra Limited

....Petitioner

V/S

Tukaram Devaji Gaikwad & Ors.

....Respondents

**WITH
INTERIM APPLICATION NO.8445 OF 2024
IN
WRIT PETITION NO.13190 OF 2022**

Divisional Manager,
Forest Development Corporation
of Maharashtra Limited

....Applicant

IN THE MATTER BETWEEN

Divisional Manager,
Forest Development Corporation
of Maharashtra Limited

....Petitioner

V/S

Tukaram Devaji Gaikwad & Ors.

....Respondents

**WITH
WRIT PETITION NO.13196 OF 2022**

Divisional Manager,
Forest Development Corporation
of Maharashtra Limited

....Petitioner

V/S

Motiram Ramu Gangurde

....Respondent

**WITH
WRIT PETITION NO.13197 OF 2022**

Divisional Manager, Forest Development Corporation of Maharashtra Limited	Petitioner
V/S	
Jayram Pavji Jagtap	Respondent

**WITH
WRIT PETITION NO.13253 OF 2022**

Divisional Manager, Forest Development Corporation of Maharashtra Limited	Petitioner
V/S	
Krushna Motiram Gangurde	Respondent

**WITH
WRIT PETITION NO.13239 OF 2022**

Divisional Manager, Forest Development Corporation of Maharashtra Limited	Petitioner
V/S	
Kishan Govinda Kavar	Respondent

**WITH
WRIT PETITION NO.13238 OF 2022**

Divisional Manager, Forest Development Corporation of Maharashtra Limited	Petitioner
V/S	
Ramdas Gotu Gavali	Respondent

**WITH
WRIT PETITION NO.13236 OF 2022**

Divisional Manager, Forest Development Corporation of Maharashtra Limited	Petitioner
V/S	
Murlidhar Malhari Karate	Respondent

Mr. Vivek B. Rane i/b Mr. Ashwin R. Kapadnis *for the Petitioners.*

Mr. Abhishek Karnik i/b Ms. Leena Patil *for Respondent in WP Nos.4929 of 2025, 4933 of 2025, 11641 of 2024, 11635 of 2025, 16148 of 2025, 11640 of 2025, 11633 of 2025, 11632 of 2025 and 13190 of 2025.*

Ms. Sangeeta Salvi *for Respondent in WP Nos.13189 of 2022, 13193 of 2022, 13196 of 2022, 13197 of 2022, 13181 of 2022, 13187 of 2022, 13186 of 2022, 13253 of 2022, 13183 of 2022, 13239 of 2022, 13236 of 2022, 13238 of 2022, 13237 of 2022 and 13185 of 2022.*

CORAM: SANDEEP V. MARNE, J.
DATE : 29 APRIL 2025.

ORAL ORDER:

1. These Petitions are filed by the Forest Development Corporation of Maharashtra Limited (**FDCM**), which is a Company fully owned by the Government of Maharashtra established inter alia with the objective of carrying out plantation activities in various forests located within the State. FDCM is aggrieved by various Awards passed by Labour Court, Nashik by which lumpsum compensation of Rs.1,50,000/- is awarded to the Respondents, who used to work as *Van Majurs* (Forest Labourers) in lieu of reinstatement and backwages. The Respondents were aggrieved by their retrenchments and at their instances, References were made to the Labour Court, Nashik. The Labour Court has found retrenchment of the Respondents to

be in violation of provisions of Section 25H of the Industrial Disputes Act, 1947 (**ID Act**) and Rule 82 of the Industrial Disputes (Maharashtra) Rules, 1957 (**ID Rules**). However instead of directing their reinstatement and backwages, the Labour Court has thought it appropriate to award lumpsum compensation of Rs.1,50,000/- to each of the Respondents. It appears that the Respondents are not aggrieved by non-grant of reinstatement and backwages and are apparently content with award of lumpsum compensation of Rs.1,50,000/-. It is only the employer-FDCM, who has filed the present Petition challenging the awards passed by the Labour Court.

2. The Forest Department of Government of Maharashtra has been engaging large number of *Van Majurs* (Forest Labourers) for carrying out various activities for maintaining and preserving forests located in different parts of the State. Considering the very nature of activities that the Forest Department is required to carry out inside the forest, it requires large number of labourers. Many such labourers are engaged to perform seasonal works and several of them are engaged even in offices for performing work of perennial nature. It appears that thousands of such *Van Majurs* were being employed in different forests in the State and they were making repeated demands for their regularization in the service. With a view to cater to the said demand, the State Government decided to create 10,262 supernumerary posts of *Van Majur* vide Government Resolution (**GR**) dated 31 January 1996. By that GR, a policy decision was

taken to absorb *Van Majurs*, who had rendered 240 days of continuous service in five years during 1 November 1989 to 31 October 1994. This is how about 10,264 *Van Majurs*, who had rendered services during 1 November 1989 to 31 October 1994, came to be absorbed in service.

3. It appears that even after issuance of GR dated 31 January 1996, several *Van Majurs* were left out from the process of absorption on account of non-completion of requisite days of service by 31 October 1994. The State Government therefore introduced another policy decision by issuing GR dated 16 October 2012 under which another set of 5089 supernumerary posts were created in the Forest Department, 451 posts were created in Social Forest Department and 1006 posts were created in FDCM. It was decided to absorb in service the eligible *Van Majurs* who had rendered minimum of five years of service between 1 November 1994 to 30 June 2004 and who continued to remain in service as on 1 June 2012. This is how further set of *Van Majurs* came to be absorbed in service of the State Government. It appears that further GR was issued in the year 2018 for creation of another set of supernumerary posts for absorption of those *Van Majurs*, who had completed eligibility criteria laid down in the GR dated 16 October 2012 but were left out from absorption process on account of non-availability of requisite number of supernumerary posts. This is how the State Government has progressively absorbed *Van Majurs* in service who had rendered long years of service. There is no dispute to

the position that various GRs issued from time to time contemplated absorption of *Van Majurs* employed even by FDCM.

4. The Respondents in the present Petitions apparently do not fulfill the eligibility criteria laid down in the GRs dated 31 January 1996 and 16 October 2012. Most of them were apparently engaged during 1988-1991 and did not fulfill the criteria of completion of five years of service during 1 November 1989 to 31 October 1994. Therefore they have been left out from absorption process introduced vide GR dated 31 January 1996. It appears that their services were terminated during the years 1999-2000. On account of termination of their services, though they had rendered more than five years of service, they could not remain in service as on 1 June 2012, which was the essential eligibility criteria for absorption under the GR issued on 16 October 2012. This is the reason why the Respondents in the present Petitions were left out from absorption process introduced vide GR dated 16 October 2012. Otherwise most of the Respondents complete the criteria of rendering 240 days of service during five years from 1 November 1994 to 30 June 2004. It is only on account of their non-continuation of service as on 1 June 2012 that the Respondents cannot be granted absorption in service of the State Government.

5. The Respondents have thus lost the battle on the front of absorption of their services. The issue for consideration is

whether the relief of lumpsum compensation of Rs.1,50,000/- awarded to them by the Labour Court needs to be interfered with by this Court in exercise of jurisdiction under Article 227 of the Constitution of India? As observed above, the Respondents have rendered arduous services as *Van Majurs* in the forests for substantial period of time. If they were not to be retrenched during 1999-2000 and if they were to be continued in services, they would have fulfilled the eligibility criteria laid down in the GR dated 16 October 2012 and would have been absorbed in service. It is only on account of their retrenchment that the Respondents could not satisfy the eligibility criteria laid down in the GR dated 16 October 2012.

6. The Labour Court has recorded a finding of fact that after retrenchment of the Respondents, their juniors were continued on daily wage basis. I do not find any reason to interfere in the said findings of the fact recorded by the Labour Court after assessing evidence on record. In my view therefore, the Labour Court has rightly relied upon provisions of Section 25H of the ID Act read with Rule 82 of the ID Rules for the purpose of holding that retrenchment of the Respondents were not in accordance with law. Even otherwise, considering the plight of the Respondents, who have rendered substantial period of services with the Petitioner-Corporation and who are otherwise left out from absorption process on account of their illegal retrenchment, I am of the view that there is no warrant for interference in the impugned order passed by the Labour Court in exercise of extra-

ordinary jurisdiction by this Court. It is well settled position of law that the High Court exercises corrective jurisdiction under Article 227 of the Constitution of India. In exercise of such corrective and supervisory jurisdiction, it is not necessary that every error of law or fact must be corrected by the High Court. So long as this Court is satisfied that there is substantial justice made by the Court or Tribunal whose order is assailed, this Court would refuse to exercise jurisdiction under Article 227 of the Constitution of India. Reference in this regard can be made to the judgment of the Apex Court in ***Garment Craft V/s. Prakash Chand Goel*** (2022) 4 SCC 181, in which the Apex Court has held in paragraph 15 as under:

“15. Having heard the counsel for the parties, we are clearly of the view that the impugned order is contrary to law and cannot be sustained for several reasons, but primarily for deviation from the limited jurisdiction exercised by the High Court under Article 227 of the Constitution of India. The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal. The jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law or justice. The power under Article 227 is exercised sparingly in appropriate cases, like when there is no evidence at all to justify, or the finding is so perverse that no reasonable person can possibly come to such a conclusion that the court or tribunal has come to. It is axiomatic that such discretionary relief must be exercised to ensure there is no miscarriage of justice.”

7. In my view, the Respondents have rendered substantial years of service with the Petitioner-Corporation. They are left out from the process of absorption. They are not even agitating the issue of absorption by challenging the orders passed by the Labour Court. They are content with the meager amount of compensation of Rs.1,50,000/- awarded by the Labour Court. Considering these peculiar facts and circumstances of the present case, there would be too iniquitous for this Court to interfere in the orders passed by the Labour Court for the purpose of denial of even the lumpsum compensation of Rs.1,50,000/- awarded to them by the Labour Court. Considering the facts and circumstances of the case, I am not inclined to interfere in the impugned orders passed by the Labour Court. The Petitions must fail. They are accordingly **dismissed**. No order as to costs.

8. In view of the dismissal of the Petitions, nothing would survive in the Interim Application No.8445 of 2024 for bringing legal heirs and the same is accordingly **disposed of**.

(SANDEEP V. MARNE, J.)

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by SUDARSHAN
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