



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

**INTERIM APPLICATION NO.7425 OF 2025
IN
WRIT PETITION NO.5316 OF 2007**

Jayant Sopan Shinde

***...Applicant/
Petitioner***

V/s.

Deputy Conservator of Forest,
Solapur

...Respondents

Mr. R.G. Panchal *for the Applicant.*

Ms. V.S. Nimbalkar, *AGP for Respondent -State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 12 AUGUST 2025.

(In Chamber at 5.00 pm)

P.C.:

1) Applicant/Petitioner has filed the present application seeking modification of order dated 27 September 2024 in a Petition filed by the Petitioner challenging the Award dated 25 February 2003 passed by the Presiding Officer, Solapur. This Court has made reference to Government Resolutions dated 19 October 1996, 16 October 2012 and 18 May 2018 and directed consideration of case of the Petitioner in the light of the said GRs for the limited purpose of grant of retirement benefits. The issue

of determining Petitioner's eligibility in terms of the aforesaid GRs was left to be decided by the Respondents.

2) It appears that while determining the eligibility of the Petitioner the Respondents realised that records of the case are not available for verifying the exact service particulars of the Petitioner. Accordingly, by communication dated 28 January 2025 Petitioner's case has been rejected without grant of benefit in terms of order dated 27 September 2024. After noticing the fact that his case is rejected only on account of non-availability of records, Petitioner has filed the present application seeking modification in order dated 27 September 2024 by inviting attention of this Court to specific findings recorded by the Labour Court about Petitioner being in continuous service from 1981 to 1990.

3) I have heard Mr. Panchal, the learned counsel appearing for the Applicant/ Petitioner and Ms. Nimbalkar, the learned AGP appearing for Respondents -State.

4) At the very outset Ms. Nimbalkar would place on record copy of letter dated 12 June 2025, which shows that a committee was constituted for determination of Petitioner's eligibility in terms of order dated 27 September 2024. She would also place on record copy of report of the said committee dated 20 June 2025 holding the Petitioner not eligible in terms of GR dated 31 January 1996. It appears that copies of letter dated 12 June 2025 and report of the committee dated 20 June 2025 are

brought to the notice of the Petitioner for the first time during the course of hearing of the present Interim Application.

5) It appears that the Respondents do not have record for the purpose of verifying the exact days of service put in by the Petitioner. This borne out from response dated 28 January 2025. After expressing the inability to verify service particulars due to absence of record on 28 January 2025, Respondents have constituted a committee of five officials on 12 June 2025 to once again verify the service particulars of the Petitioner. The Committee has taken into consideration the period of service as pleaded in the written statement filed before the Labour Court. As per the said details, the total service rendered by the Petitioner is only four years and ten months. However, out of the said service, the service of two years and one month is found to have been rendered on Employment Guarantee Scheme.

6) The position that obtains as of today is that Respondents do not have record for the purpose of verification of service particulars of the Petitioner. Therefore, they have relied upon the service particulars indicated in the affidavit filed before the Labour Court. Said service details have not been accepted by the Labour Court, which has recorded following findings in the Award:-

10. ...The Second-party workman through his oral evidence on record proved that he was working with the First party since 1981 to 1999 continuously and completed 240 days of his services with the First party in every year.

7) Respondents have not challenged the above findings of the Labour Court, which have attained finality. Service particulars reflected in the written statement have not been accepted by the Labour Court, which has taken into consideration the oral evidence and has recorded the finding that the Petitioner has worked continuously from 1981 to 1990. In my view, the findings recorded by the Labour Court would prevail over the details reflected in the written statement.

8) In the light of absence of any records with the Respondents for verification of service particulars of the Petitioner, it would be appropriate that the findings recorded by the Labour Court in paragraph 10 of the Award are taken into consideration. Otherwise despite Labour Court upholding continuous service of the Petitioner from 1981 to 1990, he would lose the benefit of order passed by this Court on 27 September 2024 only on account of non-availability of records with the Respondents. In my view therefore, the order dated 27 September 2024 deserves to be modified by directing consideration of case of the Petitioner in the light of the findings recorded by the Labour Court in paragraph 10 of the Award dated 25 February 2003. Such course of action would ensure that Petitioner would receive pensionary benefits.

9) Accordingly, I proceed to pass the following order:-

- (i) Order dated 27 September 2024 shall stand modified to the extent of the following directions:

While considering the case of the Petitioner for absorption in terms of GR dated 31 January 1996/ 19 October 1996, 16 October 2012 and 18 May 2018 the Respondents shall take into consideration the findings recorded by the Labour Court in paragraph 10 of the Award dated 25 February 2003.

- (ii) Rest of the directions in the order dated 27 September 2024 shall remain undisturbed.

10) With the above directions, Application is partly allowed and **disposed of**.

[SANDEEP V. MARNE, J.]