



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.8090 OF 2023

PETITIONERS

(Original Respondents)

- :-** 1) State of Maharashtra
through Principal Secretary (Forests)
Revenue and Forest Department,
Mantralaya, Mumbai
(Original Respondent No.5)
- 2) Principal Chief Conservator of Forests
(Head of Forest Force), Maharashtra State,
Nagpur (Original Respondent No.4)
- 3) The Chief Conservator of Forests Amravati
Forest Circle, Amravati(Earlier Akola
Forest was under the jurisdiction of CCF
Yavatmal, hence in ULP CCF Yavatmal
was Original Respondent No.3)
- 4) The Deputy Conservator of Forest, Akola
Forest Division, Station Road, Akola
(Original Respondent No.2).
- 5) Range Forest Officer,
Alegaon, Tahsil: Patur, Distt: Akola
(Original Respondent No.1)

..VERSUS..

RESPONDENT

(Original Petitioner)

- :-** Digambar S/o Shivram Bochare,
Occ. Retired Daily wager labour, Age: 70
yrs. At & Post: Malsur, Tq. Patur, Distt.
Akola

Mr. N.R. Patil, A.G.P. for Petitioners/State.
Mr. S.D. Sirpurkar, Advocate for Respondent.

CORAM : ROHIT W. JOSHI, J.

DATE : 28/11/2025

ORAL JUDGMENT :

1. Heard finally with consent of parties.
2. The petitioners/State of Maharashtra and its Officers have filed the present petition challenging the judgment and order dated 12.09.2022, passed by the learned Member, Industrial Court, Akola, in Complaint (ULP) No.99 of 2018, whereby the complaint filed by the respondent seeking benefit of regularization in service and permanency in terms of Government Resolution dated 31.10.1996 came to be allowed.
3. It is not in dispute that prior to filing the present complaint, the respondent/employee had filed another complaint bearing Complaint (ULP) No.589 of 1996. It is not in dispute that the said complaint was dismissed for want of prosecution on 26.06.2007. Thereafter, the present complaint came to be filed by the respondent No.1 on 18.12.2018. It is also not in dispute that the respondent/employee is not in service with the petitioner since somewhere around July, 2011, when he attained age of superannuation. The learned Industrial Court has allowed the

complaint holding that the Government Resolution dated 31.01.1996 contemplated that a Van Majoer will be entitled for regularization in service on completion of 240 days in service in a calendar year for a period of five continuous year and that from the year 1989 to 1994, the respondent/employee had worked for more than 240 days continuously for a period of five years. This finding is recorded on the basis of documents obtained by the respondent/employee under the provisions of Right to Information Act, 2005.

4. Perusal of the judgment will indicate that the learned Industrial Court has not taken into consideration the fact that the earlier complaint filed by the respondent/employee was dismissed for want of prosecution. Likewise, the learned Industrial Court has not even taken into consideration the inordinate delay in filing of the complaint. The earlier complaint was dismissed in the year 2007 and thereafter fresh complaint is filed in the year 2018, that too after the period of more than seven years from the date on which the respondent/employee ceased to be in employment. Moreover, the learned Industrial Court also failed to consider paragraph-3 of the cross-examination of the respondent/employee wherein he admitted that from 01.03.1990 to 30.04.1990 and from

30.06.1990 to 31.10.1990 he was not in employment. This admission will clearly show that in the year 1990, the respondent/employee was not in employment for more than 240 days. The learned Advocate for the respondent/employee places reliance on a communication dated 28.03.2018 issued by the Range Forrest officer to the Deputy Conservator of Forest wherein a chart of number of days for which the respondent/employee had rendered service from 01.11.1989 to 31.10.1994 is reproduced as under :-

अ.क्र.	वर्ष	दिवस
१.	१/११/१९८९ ते ३१/१०/१९९०	२४२
२.	१/११/१९९० ते ३१/१०/१९९१	१४०
३.	१/११/१९९१ ते ३१/१०/१९९२	३६५
४.	१/११/१९९२ ते ३१/१०/१९९३	३६३
५.	१/११/१९९३ ते ३१/१०/१९९४	३३७

5. According to the said document, from 01.11.1998 to 31.10.1994, the respondent/employee has rendered service for 242 days, however, even according to this document from 01.11.1990 to 31.10.1991, he has rendered service only 140 days. In view of the above, in the considered opinion of this Court, the order passed by the learned Industrial Court is unsustainable and warrants interference. Accordingly, I pass the following order :-

- i) Writ petition is **allowed**.

- ii) Judgment and order dated 12.09.2022, passed by the learned Member, Industrial Court, Akola, in Complaint Complaint (ULP) No.99 of 2018, is quashed and set aside and the said complaint is dismissed.
- iii) Parties to bear their own costs.

6. At this stage, the learned Advocate for the respondent/employee states that similar drives for regularization of employees who have worked for more than 240 days in a calendar year were undertaken by the petitioners. He states that since the respondent/employee had filed a complaint regarding the drive undertaken in 1996, his claim for regularization was not considered in the drives initiated subsequently.

7. It shall be open to the respondent/employee to make an appropriate representation to the petitioners regarding benefits of any drive for regularization of similarly circumstanced employees. In the event, such a representation is made, the Competent Authority of the petitioners shall decide the representation as early as possible, and in any case, within **four months** from the date of receipt of the representation.

(ROHIT W. JOSHI, J.)