



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

WRIT PETITION NO.131 OF 2026

Ashok s/o Rambhau Fasle,
Aged about 57 years,
Occupation-Nil,
R/o Village Yelgaon,
Tah. And District-Buldhana

... Petitioner

vs.

1. State of Maharashtra,
Through its Secretary,
Department of Forest & Revenue,
Mantralaya, Mumbai-32

2. Chief Conservator of Forest (Regional),
Camp Road, Amravati,
District-Amravati

3. Conservator of Forest (Regional),
Forest Circle, Yavatmal,
District-Yavatmal

4. Deputy Conservator of Forest,
Chikhli Road, Buldhana,
District-Buldhana

5. District Collector,
Buldhana, District-Buldhana

... Respondents

Shri Sunil U. Bhuyar, Advocate for petitioner.

Shri D. P. Thakare, Additional Government Pleader for respondents.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 28th January, 2026

Judgment : (Per : Raj D. Wakode, J.)

Heard Shri Sunil Bhuyar, learned counsel for the petitioner and
Shri D. P. Thakare, learned Additional Government Pleader for the
respondents.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of counsel for the parties.

The petitioner who is 57 years old has approached this Court praying for following reliefs :

- i) Direct the respondent No.2- Chief Conservator of Forest (Regional), Amravati, to initiate departmental inquiry against the respondent no.4- Deputy Conservator of Forest, Buldhana, for the period from 1994 to December- 2025 for not passing reasoned order in the case of petitioner;*
- ii) Direct the respondent No.2- Chief Conservator of Forest (Regional), Amravati, to pay compensation amount of pay scale of Forest Guard since 1995 to till date to the petitioner from the salary of respondent no.4- Deputy Conservator of Forest, Buldhana;*
- iii) Saddle cost of Rs.5,00,00 /- as litigation charges against the respondent No.4- Deputy Conservator of Forest, Buldhana, for depriving the petitioner from getting service benefits;*
- iv) Direct the respondent No.2- Chief Conservator of Forest (Regional), Amravati, to issue appointment order to the petitioner as a Forest Guard w.e.f. 1994 and also direct to pay salary to the petitioner from 1994 till date and other service benefits w.e.f. 1994;*
- (v) Grant any other relief which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*

3. Prima facie perusal of the aforesaid prayer clauses reveals that the petitioner who is 57 years old is seeking direction to respondent No.2- Chief Conservator of Forest (Regional), Amravati to issue appointment order to the petitioner as a Forest Guard with effect from 1994 and also a direction to pay salary to the petitioner from 1994 till date and other service benefits. The petitioner has also prayed for a direction to pay compensation amount of pay scale (without mentioning the aforesaid amount) to the petitioner from the salary of respondent No.4-Deputy Conservator of Forest, Buldhana. The petitioner has also prayed for a

direction to initiate departmental inquiry against the respondent No.4- Deputy Conservator of Forest, Buldhana for the period from 1994 to December 2025.

4. As the aforesaid reliefs as claimed by the petitioner are completely unsustainable in the eyes of law, prima facie we were of the opinion that the present petition seeking such reliefs need not be entertained by this Court. However, considering the plight of the petitioner who has been submitting representations to the respondents/Authority since last 30 years, i.e. 1994 to 2024 for grant of appointment on the basis of the Project Affected Person certificate, we have entertained the present writ petition.

5. The facts leading to filing of the present petition are as follows :

The father of the petitioner viz. Rambhau Narayan Fasle was having agricultural land in Survey No.60/5 at village Yelgaon, Tahsil and District Buldhana. Out of aforesaid, 0.53 HR land was acquired by the Competent Authority i.e. Collector, Buldhana for Yelgaon project. As per the provisions of Maharashtra Project Affected Persons Rehabilitation Act, 1999 (for short, the aforesaid Act), the respondent No.5-District Collector, Buldhana issued Project Affected Person (PAP) certificate on 29/02/1988 in the name of the present petitioner i.e. Ashok Rambhau Fasle. The aforesaid PAP certificate dated 29/02/1988 is at record page 25 (Annexure-B). On the basis of aforesaid certificate, the petitioner had applied to respondent No.4-Deputy Conservator of Forest, Buldhana for grant of appointment as Project Affected Person on the basis of which the communication dated 05/12/1994 was issued by respondent No.4. The contention is that inspite of the aforesaid communication dated 05/12/1994, the petitioner was never provided with the employment as

Forest Guard. The petitioner from the year 1994 till 2024 i.e. for the period of 30 years has been submitting representations to the respondents praying for appointment on the basis of aforesaid Project Affected Person certificate. It is admitted that till date the petitioner has not been granted any employment on the basis of the aforesaid certificate. Hence, being aggrieved by the aforesaid inaction on the part of the respondents, the petitioner has approached this Court out of anguish praying for such reliefs against the respondent No.4.

6. In our considered opinion, the present situation is covered by the order of this Court dated 03/04/2025 passed in Writ Petition No.342/2022 (*Madhukar Mahadeo Dhawale and anr. vs. Collector (Rehabilitation), Nagpur and anr.*) wherein this Court has held thus :

“5. It is equally a position as reflected from the statutory scheme of the Maharashtra Project Affected Persons Rehabilitation Act, 1999, that no time limit is fixed in the said provisions for utilizing the PAP certificate. That apart, the GR dated 02/05/2016, which has been tendered across the bar and marked as 'X' for the purpose of identification by the learned counsel for the petitioner indicates, that the PAP certificate issued is permissible to be utilized for securing employment to the future generations, as it indicates, that even a great-great-grandson would also be entitled to be considered for grant of employment based upon the PAP certificate if the same is transferred in his favour. In that view of the matter, since it is not disputed, that the PAP certificate dated 27/09/1979, which has been granted to the petitioner No.1 has not been utilized by granting employment to any one on its basis, it would be permissible to be utilized for the benefit of a transferee, which would be at the indication of the petitioner No.1. Since the petitioner No.1 has indicated, that the same be transferred to the petitioner No.2, we see no impediment in law for the same being permissible.”

7. In aforesaid order, the Court has held that no time limit is fixed

under the provisions of the aforesaid Act for utilizing the PAP certificate. That apart, Government Resolution dated 02/05/2016 provides that the PAP certificate issued to the affected person is permissible to be utilized for securing employment to the future generations also, as it indicates that even a great-great grandson would also be entitled to be considered for grant of employment based upon the PAP certificate if the same is transferred in his favour.

8. In the aforesaid circumstances, it is evident that the petitioner who is on the verge of the age of superannuation is not likely to secure any employment on the basis of PAP certificate dated 29/02/1988 issued in his favour.

Hence, we indicated our opinion to the learned counsel for the petitioner and asked him to seek instructions as to whether petitioner has children who can utilize the PAP certificate. Upon instructions, Shri Bhuyar, learned counsel submitted that the petitioner has one son who is studying in school.

9. In view of the above, we dispose of the present writ petition with a direction to respondent No.5-District Collector and District Rehabilitation Officer, Buldhana to consider the request if any made in future by the petitioner for transfer of PAP certificate in the name of his son on attaining majority or in the name of some other family member in whose name the aforesaid PAP certificate can be transferred.

10. Writ Petition is accordingly disposed of. No order as to costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)