

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4143 OF 2018

Ravi s/o Vitthalrao Dahake and anr.

Vs.

Chief Conservator of Forest, Nagpur and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. N.R. Saboo, Advocate for petitioners.

Ms. Deepali Sapkal, AGP for respondent Nos.1 to 3/State.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 03.11.2025

Heard learned counsel for the petitioners
and learned AGP for the respondents.

2. By this petition, the petitioners are challenging the order dated 28.09.2017 passed by the learned Industrial Court, Amravati in Complaint ULP No. 52/2010 whereby the complaint filed by the present petitioners came to be dismissed. The issue before the learned Industrial Court was about the regularization of the services of the petitioners.

3. The petitioners contended that they were appointed as 'daily wagers' in the year 1991. The State Government issued a GR dated 31.01.1996 and

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16.10.2012, whereby a policy was introduced to regularize the services of employees working in the Forest Department, who have completed five years of service.

4. Learned counsel for the petitioners submits that the petitioners had already completed five years of service but during that period they were already transferred to another department. The said transfer order was assailed by the petitioners by filing complaint No. 1175/1996 before the Industrial Court which granted status quo regarding their services. The learned counsel further submits that because of the status quo, the respondent authorities did not permit them to join the services and consequently, the same period was not counted by the authorities for the purpose of regularization. Being aggrieved by the same, the petitioners filed complaint ULP No. 52/2010 before the Industrial Court.

5. The learned counsel for the petitioner further submits that the petitioners have already completed five years of service and in view of Clause 4-C of the Model Standing Orders, which are applicable to the Forest Department, once an employee completes one year of continuous service,

they are entitled for regularization of their services. Therefore, it was pointed out that even if it is presumed that the case of the petitioners does not fall within the purview of both the GRs, their cases can be considered as per the Clause 4-C of the Model Standing Orders. However, all these facts were not considered by the learned Industrial Court.

6. Per contra, learned AGP submits that as far as the transfer order and the status quo order are concerned, they had nothing to do with this services rendered by the petitioner. Learned AGP further submits that admittedly, the petitioner never worked after the transfer and therefore their services were not regularized. It is submitted that the Industrial Court has rightly dismissed the complaint and counsel supports the said order.

7. I have gone through the order passed by the learned Industrial Court as well as the documents which are placed on record. On perusal of the impugned order, it is observed that in para 17, the learned Industrial Court has observed that the petitioners had not placed on record any document to show that the provisions of Model Standing Orders are

applicable to their case. It was further observed that the appointments of the employees of the respondent department are governed by the Recruitment Rules, therefore, the question of applicability of Model Standing Orders does not arise.

8. After going through the findings of the learned Industrial Court and the subsequent order passed by Additional Chief Conservator of Forests dated 16.10.2024, it is seen that, the order was passed pursuant to the proposal dated 03.06.2015 and it was passed during pendency of the present writ petition.

9. Considering the fact that there is no dispute regarding the status quo order passed by the learned Industrial Court and subsequently the said complaint came to be allowed, I do not find any fault on the part of the employees if they were not permitted to resume the duties. They cannot be penalized for the same. In fact, all these aspects ought to have been considered by the learned Industrial Court. Once the employees were transferred from one department to another, though they were appointed on daily wages and the learned Industrial Court granted the order of status-quo, by the time the transfer orders were

effected, they had joined in the earlier department. That means though all these employees were continuously in service, only question was whether to permit them to resume the duties or not. It is not the fault of employees if the authorities did not allow them to resume the duties. The said period should have been taken into consideration for regularization of their services. All these facts were not considered by the learned Industrial Court.

10. Therefore, the matter needs to be remitted back to the learned Industrial Court for fresh consideration. The learned Industrial Court to take into consideration the above observations and decide the complaint afresh.

11. In view of the fact that the petitioners have already been retired from the services and due to non-regularization of their services, they are not getting any pensionary benefits. The learned Industrial Court to decide the complaint within a period of two months from today.

12. The petitioners are at liberty to place any additional documents on record before the Industrial

Court. The learned Industrial Court to consider the same and pass an appropriate order.

13. Both the parties to appear before the learned Industrial Court on 17.11.2025.

(SIDDHESHWAR S. THOMBRE, J.)