IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

WRIT PETITION NO. 9594 OF 2024

Yuvraj S/o yashwant Maske,
Age : 64 years, Occu. Vanpaharekari,
R/o. Khed, Tq. Lohara, District Osmanabad. ...Petitioner

Versus

1] Van Parikshetra Adhikari,
Van Parikshetra Karyalaya,
Umarga, District Osmanabad.

2] Sahsanchalak, Vanikaran,
(Mukhya Van Sanrakshak),
Pradeshik Vibhag, Osmanpura,
Aurangabad (Chhatrapati Sambhajinagar).

3] Vibhagiya Van Adhikari,
Van Vibhag, Block No. 20,
Central Administrative Building,
Osmanabad. ...Respondents

.....

Mr. B. R. Jaybhay – Advocate for the Petitioner
Mrs. M. L. Sangit – AGP for the State

.....

CORAM : NEERAJ P. DHOTE, J.

DATED : 22ND JUNE, 2026

ORAL JUDGMENT : -

1. Heard finally with the consent of the parties.

2. This Writ Petition, filed under Article 227 of the Constitution of India, impugns the Judgment and Order dated 03.05.2024 passed by the learned Member, Industrial Court, Latur,

2026:BHC-AUG:24570

whereby Complaint (ULP) No. 253 of 2018 preferred by the Petitioner came to be dismissed.

3. The Petitioner filed the said Complaint with the contention that, he had been working as a labourer on the post of Forest Guard since 01.07.2000. He was performing his duties at the Range Forest Office, Omerga, at Mouje Dhanori, and was issued an Identity Card. For several months, he was not paid his salary. The Ranger used to obtain signatures on the muster roll and make payment accordingly. His nature of duty was to protect trees, cutting grass, digging pits, taking away plants from the nursery, plantation work, watering plants, and protecting trees from cattle, etc. According to the Petitioner, there are many permanent labours with the Respondents, who were given the benefit of permanency. He being a daily wager, was not given the benefit of permanency though he continuously worked for more than 240 days in a calendar year. The Petitioner, therefore, sought relief of permanency along with consequential benefits. There was unfair labour practice and favouritism by the Respondents and accordingly prayed for appropriate reliefs in the said Complaint.

4. The Complaint was resisted by the Respondents by filing Written Statement. The contentions raised by the Petitioner were denied. It was contended that, there was no post designated as Forest Guard in the department and, therefore, there was no question of

2026:BHC-AUG:24570

appointing the Complainant to such a post. According to the Respondents, the Complainant was discharging the work through a contract as per the requirements of the department. It was further contended that, the identity card relied upon by the Complainant was not issued by the competent authority. There was no permanent work available in their office and that no service muster roll was maintained. The Complainant was neither a permanent Van Mazoor nor a Forest Guard and, therefore, there was no question of obtaining his signatures on any muster roll. It was also contended that, no wages of the Complainant had been withheld. The Respondents further submitted that, the Complainant was not entitled to permanency or any consequential benefits and, therefore, prayed for dismissal of the Complaint.

5. The learned Industrial Court framed the necessary issues, and the parties led their respective evidence. The Complainant filed his Affidavit of evidence and produced on record copies of his Identity Card, Aadhaar Card, bank passbook, bank statement, letters issued by the Range Forest Officer, and a copy of his application. The Respondents filed an affidavit in lieu of examination-in-chief of Sayas Karad and thereafter closed their oral evidence. Upon appreciating the evidence on record and after hearing both sides, the learned Industrial Court passed the impugned Judgment and Order.

6. Heard the learned Advocate for the Petitioner and the learned AGP for the Respondents.

[a] The learned Advocate for the Petitioner submitted that, the Identity Card issued by the Respondents show the Petitioner as a Forest Guard, which indicates that, he was duly appointed. It was further submitted that the Petitioner had continuously worked for more than 240 days in a calendar year since 01.07.2000. His wages were withheld from September 2018, and he was not permitted to sign the muster roll. In view of the Government Resolutions, the Petitioner was entitled for permanency. It is, therefore, prayed that the Petition be allowed.

[b] Per contra, the learned AGP for the Respondents submitted that, the learned Industrial Court had considered all the aspects of the matter on the basis of the evidence available on record. It is submitted that, there was no evidence to establish that, the Petitioner had continuously worked for 240 days in any calendar year. The Identity Card relied upon by the Petitioner was not issued by the competent authority. It was further submitted that, there was no post known as 'Vanpaharekari' or 'Van Majoor' and, therefore,

2026:BHC-AUG:24570

there was no question of appointing the Petitioner on such a post. No unfair labour practice was committed by the Respondents. The Petition is devoid of merit and be dismissed.

7. Perused the impugned Judgment. As regards the contention that he had worked continuously for 240 days, the observations in the impugned Judgment show that there was no documentary evidence to establish that the Petitioner had worked continuously for 240 days in any calendar year. Petitioner did not issue any notice to the Respondents calling upon them to produce the muster roll or any other relevant documents to substantiate his claim that he had worked continuously for 240 days or more in a calendar year since 01.07.2000. The learned Industrial Court considered this aspect of the matter and observed that the Petitioner had miserably failed to prove that he had continuously worked with the Respondents for 240 days or more in a calendar year since 01.07.2000.

8. As regards the claim for permanency based on the Government Resolution dated 31.01.1996, the learned Industrial Court observed that, under the said Government Resolution, permanency was conferred upon those workers who had continuously worked for 240 days or more in a calendar year for a period of five years. Since the Petitioner failed to establish that he had continuously worked for 240

2026:BHC-AUG:24570

days or more in a calendar year with the Respondents, he was not entitled to the benefits contemplated under the said Government Resolution.

9. So far as the Identity Card is concerned, the observations in the impugned Judgment indicate that, the learned Industrial Court duly considered this aspect of the matter. It is observed that, the copy of the Identity Card was produced below Exhibit U-34 and that no date was mentioned thereon. There was no material on record to indicate as to who had issued the same or whose signature appeared on it. The learned Industrial Court further observed that, the evidence relating to the Identity Card was cryptic and shaky in nature. The Petitioner admitted that, the Respondents had taken back the Identity Card to verify as to who had issued the same. The observations further show that, the Identity Card did not bear the seal of the office of the Respondents and it raises suspicion on the authenticity of the Identity Card. It was also observed that, the Petitioner failed to produce any appointment order and therefore, solely on the basis of a suspicious Identity Card, he could not be held to be an employee of the Respondents. The observations in the impugned Judgment show that, the learned Industrial Court considered the documentary evidence on record and recorded the aforesaid findings.

10. In respect of the entries in the bank documents, the

2026:BHC-AUG:24570

observations in the impugned Judgment show that, the learned Industrial Court perused the same and recorded a finding that, the wages received by the Petitioner were in respect of work done under the scheme 'MGNREGSSFA MAHA', and further observed that, there was no material on record to connect the said entries in the bank documents with the Respondents. The observations further show that, no document was produced to establish that, the Petitioner had received wages through the Respondents. The learned Industrial Court also considered the two credit entries in the passbook dated 25.04.2017 and 16.03.2018, showing amounts of Rs.15,417/- and Rs.8,017/-, respectively, credited under the head "Forest Labour Payment", and observed that these two credit entries were insufficient to establish that the Petitioner had been serving with the Respondents since 01.07.2000. On the basis of the evidence available on record, the learned Industrial Court concluded that the Petitioner had miserably failed to prove that the Respondents had paid wages to him through the Bank.

11. The impugned Judgment reveals that, the learned Industrial Court framed the necessary issues on the basis of the pleadings of the parties and decided the Complaint on the basis of the evidence available on record. The learned Industrial Court considered all the relevant aspects of the matter and assigned cogent reasons in support of its findings. Nothing is shown that the findings or observations recorded in the impugned Judgment are perverse or erroneous. In the

2026:BHC-AUG:24570

circumstances, no interference is called for in the impugned Judgment and Order. The Petition is, therefore, liable to be dismissed.

12. Hence, the following order:

ORDER

[i] The Petition is dismissed.

[NEERAJ P. DHOTE]
JUDGE

SG Punde