

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.4495 OF 2021**

**GAJENDRA BANSILAL GIRASE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OTHERS**

**AND  
WRIT PETITION NO.4473 OF 2021**

**RAHUL BRIJLAL KOLI  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

**AND  
WRIT PETITION NO.4478 OF 2021**

**BHAGWANT DAGA WAGH  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

**AND  
WRIT PETITION NO.4479 OF 2021**

**SURESH SHRIPATI LAKAL  
VERSUS  
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OTHERS**

**AND  
WRIT PETITION NO.4480 OF 2021**

**RAJESH DHONDIRAM KAMBLE  
VERSUS  
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OTHERS**

**AND  
WRIT PETITION NO.4481 OF 2021**

**SATISH NARSING GAIKWAD  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

**AND  
WRIT PETITION NO.4482 OF 2021**

SAYYED AKHEEL SAYYAD TALEED  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

AND  
WRIT PETITION NO.4483 OF 2021

PADMAKAR KONDIBA RAHIRE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OTHERS

AND  
WRIT PETITION NO.4484 OF 2021

SHIVSHANKAR MOTIRAM WAIPANKAR AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

AND  
WRIT PETITION NO.4486 OF 2021

MANOJ KAILASH GAVIT AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

AND  
WRIT PETITION NO.4487 OF 2021

SANTOSH PRAKASH MORE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

AND  
WRIT PETITION NO.4488 OF 2021

LAXMAN RAOSAHEB KADAM  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

AND  
WRIT PETITION NO.4489 OF 2021

NARESH PRAKASHRAO DESHMUKH AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OHTERS

**AND**  
**WRIT PETITION NO.4490 OF 2021**

SHIVGIR VITTHAL GIRI AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

**AND**  
**WRIT PETITION NO.4491 OF 2021**

AKASH PIRAJI KAMBLE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

**AND**  
**WRIT PETITION NO.4492 OF 2021**

GAJANAN RAGHUNATH BARI  
VERSUS  
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OTHERS

**AND**  
**WRIT PETITION NO.4493 OF 2021**

TUKARAM RAMRAO PARSE  
VERSUS  
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OTHERS

**AND**  
**WRIT PETITION NO.4494 OF 2021**

ARUN UDDHAV MADKE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OTHERS

**AND**  
**WRIT PETITION NO.4496 OF 2021**

BHARAT ANANDA PATIL AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OTHERS

**AND**  
**WRIT PETITION NO.4497 OF 2021**

SANTOSH HARIDAS SOLANKE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

**AND**  
**WRIT PETITION NO.4498 OF 2021**

SANJAY SHIVRAM GHULE AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OTHERS

**AND**  
**WRIT PETITION NO.4499 OF 2021**

GANESH PANDIT BETKAR AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

**AND**  
**WRIT PETITION NO.4500 OF 2021**

GOVIND BHARAT SHINDE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

**AND**  
**WRIT PETITION NO.4501 OF 2021**

DNYANESHWAR ASARAM DHURVDE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

**AND**  
**WRIT PETITION NO.4084 OF 2021**

RAJARAM SOPAN PACHPANDE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Pramod A. Kulkarni, Advocate for the  
Petitioners.

Mr. S. K. Tambe and Mrs. P. V. Diggikar, AGP for

Respondents-State in respective Writ Petitions.  
Mr. M. S. Sonawane, Advocate for Respondent Nos.4  
and 5 in WP/4084/2021.

...  
**CORAM : S. V. GANGAPURWALA &  
SHRIKANT D. KULKARNI, JJ.**

**DATED : 10<sup>th</sup> MARCH, 2021.**

**PER COURT:-**

1. Learned counsel for the petitioners seeks leave to amend and claim relief on the basis of equal pay for equal work. Leave granted.

2. The petitioners in these petitions seek relief of regularization and equal wages for equal work.

3. As far as the relief of regularization is concerned, reliance is placed on the order passed by this Court at Principal Seat in Writ Petition No.10260/2019 dated 03.09.2019. The Division Bench at the principal seat, in the said matter, passed following order:

"In the light of the fact that the concerned persons are looking into the grievance of the petitioners, met and made appropriate recommendations and no final decision is taken as yet, this writ petition can be disposed and is accordingly disposed of by keeping open all the contentions and to be raised in the event the grievances of the petitioners still survive."

4. As far as grievance of the petitioners of equal pay for equal work is concerned, the petitioners placed reliance on the order dated

08.12.2020 passed by the Division Bench at Principal Seat in Writ Petition St. No. 92250/2020 with connected writ petitions and the judgment and order of this Court at Nagpur Bench in Writ Petition No. 2247/2014, dated 20<sup>th</sup> November, 2019. The Division Bench at the Principal Seat, relying upon the judgment of Division Bench of Nagpur Bench, passed the following order on 08.12.2020 in Writ Petition St. No. 92250/2020 with connected writ petitions.

"5. This Court, in the judgment relied on behalf of the petitioners, in the matter of Dhiraj S. Wankhede (supra) has held:

"9. The other relief claimed by the petitioners is about pay parity with the regular drivers in Class-III category. In this regard the law has been settled by the Hon'ble Apex Court in the case of State of Punjab and others...Versus...Jagjit Singh and others , reported in (2017 )1 SCC 148. 10. The Hon'ble Supreme Court has held that no artificial parameters can be devised to deny the fruits of labour when an employee performs the same work as another employee. The Hon'ble Apex Court has further held that no artificial distinction can be made between such two employees, whereby one is given higher salary and another is paid lower salary. Relevant observations of the Hon'ble Apex Court appearing in paragraph no.58 of the judgment are reproduced as below :-

"58. In our considered view, it is fallacious to determine artificial parameters to deny fruits of labour. An employee engaged for the same work cannot be paid less than another who performs the same duties and responsibilities. Certainly not, in a welfare State. Such an action besides being

demeaning, strikes at the very foundation of human dignity. Anyone, who is compelled to work at a lesser wage does not do so voluntarily. He does so to provide food and shelter to his family, at the cost of his self-respect and dignity, at the cost of his self-worth, and at the cost of his integrity. For he knows that his dependents would suffer immensely, if he does not accept the lesser wage. Any act of paying less wages as compared to others similarly situate constitutes an act of exploitative enslavement, emerging out of a domineering position. Undoubtedly, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation."

11. It is clear that the Hon'ble Supreme Court has held that when one employee discharges/performs same work as another employee, there cannot be any distinction between the two employees so far as the application of the pay scale to both of them is concerned. The Hon'ble Apex Court has further held that all the temporary employees who are performing similar work as the regular employees would be entitled to draw wages at the minimum of the pay scale (at the lowest grade, in the regular pay scale) extended to regular employees holding the same post. This relief would also have to be granted to all the petitioners as there is no dispute that their work is similar to the work of the regular drivers."

6. The fact that the petitioners in above referred judgment were contractual employees is not disputed. We are, therefore, of the opinion that the issue involved in all these petitions is covered by view taken by this Court in its judgment dated 20.11.2019 in above referred writ petition. Accordingly, the following order is passed.

a. The petitioners be paid wages at the

minimum of the pay scale at the lowest grade, in the regular pay scale extended to the regular employees holding the same post with effect from the date of the petition.

b. The respondent No.5 is directed to comply with this order within six months from today.

c. No order as to costs."

5. In view of the consistent view taken at the Principal Seat and at Nagpur Bench, we follow the same course and pass following order:

#### **O R D E R**

(a) The petitioners be paid wages at the minimum of the pay scale at the lowest grade, in the regular pay scale extended to the regular employees holding the same post with effect from the date of the petition.

(b) The respondent No.5 is directed to comply with this order within six months from today.

6. With the aforesaid observation and directions, writ petitions are disposed of. No costs.

**(SHRIKANT D. KULKARNI)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**