

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

WRIT PETITION NO.1305 OF 2021
WITH
WRIT PETITION NO.1810 OF 2021

WRIT PETITION NO.1305 OF 2021

- 1] Ritesh @ Jeetu Babulal Chakravarty,
Aged 33 years, Occ. Service,
R/o. Plot No.179, Ramagoma Mandir,
Tiwasakarwadi, Raipur (Hingna),
Dist : Nagpur.
- 2] Gaurav Suryavanshi Bhoyar,
Aged 30 years, Occ. Service,
Durga Mata Mandir Chowk,
Prabhag Number 3, Pimpri Kanhan,
Dist. Nagpur.
- 3] Waman Manikrao Tajne,
Aged 50 years,
Occ. Service, Post-Patansawangi,
Tah. Saoner, Dist. Nagpur.
- 4] Ramkrishna Nathuji Tapre,
Aged 41 years, Occ. Service,
In front Hanuman Mandir,
Vyahad, Tah. & District-Nagpur.
- 5] Pramod Mahadeorao Ughde,
Aged 36 years, Occ. Service,
Post Jawadi, Tah. Bhiwapur.
Dist : Nagpur.
- 6] Govinda Kashinath Nagose,
Aged 52 years, Occ. Service,
Ward No.2, Salerani (Bela)
Tah. Umred, Dist. Nagpur.

- 7] Jitendra Narayan Lachhore,
Aged 35 years, Occ. Service,
Ward No.2, Durgamata Mandir,
Satak, Tah. Parshivni, Dist. Nagpur.
- 8] Chandu Ishwar Hale,
Aged 32 years, Occ. Service,
Post Dahegao (Joshi), Dist. Nagpur.
- 9] Pravin Umrao Chafle,
Aged 31 years, Occ. Service,
Navegaon Khairi, Tah. Parshivni,
Dist. Nagpur.
- 10] Ramjan Habib Sheikh,
Aged 42 years, Occ. Service,
Dhapewada, Tah. Kalmeshwar,
Dist. Nagpur.
- 11] Jagdish Gendlal Choudhary,
Aged 36 years, Occ. Service,
Gumthi, Kamptee, Dist. Nagpur.
- 12] Satyashil Sukhdeo Tambe,
Aged 33 years, Occ. Service,
Somnada, Mokhebardi,
Tah. Bhiwapur, Dist. Nagpur.
- 13] Balak Premdas Manvatkar,
Aged 41 years, Occ. Service,
Kawlapur, Nagardhan,
Tah. Ramtek, Dist. Nagpur.
- 14] Bhagwan Pandurang Buddhe,
Aged 53 years, Occ. Service,
Mandhad, Tah. Kuhi, Dist. Nagpur.
- 15] Sanjay Madhorao Bure,
Aged 46 years, Occ. Service,
Post Sirsi, Taluka-Umred,
Dist. Nagpur.

- 16] Sandip Rajendra Patil,
Aged 35 years, Occ. Service,
Ward No.03, Dorli, Post Hingna,
Tah. Parshivni, Dist. Nagpur.
- 17] Narayan Manohar Jurahe,
Aged 35 years, Occ. Service,
Post-Dudhada (Kondhadi)
Tah. Katol, Dist. Nagpur.
- 18] Prashant Bhanudas Nimburkar,
Aged 29 years, Occ. Service,
Naygaon (Thakre), Post. Bharsingi,
Tah. Narkhed, Dist. Nagpur.
- 19] Mahadeo Nanaji Barahate,
Aged 42 years, Occ. Service,
Kanholibara, Tah. Hingna,
Dist. Nagpur.
- 20] Vilas Sheshrao Shende,
Aged 29 years, Occ. Service,
Risada, Post Khubada,
Tah. Saoner, Dist. Nagpur.
- 21] Kiran Gajananrao Selokar,
Aged 24 years, Occ. Service,
Ward No.3, Post-Mowad,
Tah. Narkhed, Dist. Nagpur.
- 22] Rajesh Bhaiyalal Kanojiya,
Aged 41 years, Occ. Service,
Plot No.452, Borkhedi (Rly),
Tahsil and Dist. Nagpur.
- 23] Prashant Baburao Nagdawane,
Aged 33 years, Occ. Service,
Ward No.1 Near Hospital, Chincholi,
Khaparkheda, Kamptee, Nagpur.
- 24] Ganesh Bhiwaji Uike,
Aged 42 years, Occ. Service,
Mu. Dulara, Post-Karwahi,
Tah. Ramtek, Dist. Nagpur.

25] Purushottam Shrawan Lakhmapure,
Aged 43 years, Occ. Service,
Tipti, Tah. Kalmeshwar,
Dist. Nagpur.

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Petitioners.. Versus ..

- 1] The State of Maharashtra,
Through its Secretary,
Department of Public Health,
10th Floor, Complex Building
Premises of G.T. Hospital, Mumbai.
- 2] The State of Maharashtra,
through its Secretary, Department
of Rural Development and Water
Conservation, Mantralaya,
Mumbai.
- 3] The Director of Health Services,
Directorate of Health Services,
Mumbai.
- 4] The Divisional Commissioner,
Nagpur Division, Nagpur.
- 5] Chief Executive Officer,
Zilla Parishad, Nagpur.
- 6] Gramin Yuwak Bahuudeshiya Sushikshit
Berojgar Sewa Sahakari Sanstha Maryadit,
Lobhi, Post-Lobhi, Ta. Tumsar,
Dist. Bhandara-441907.
- 7] Ashkom Media India Pvt. Ltd.
Thru : Senior Manager,
Head Office : 1A/104, NG Suncity
Phase III, Thakur Village, Kandivali
East, Mumbai-400101.

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Respondents

Mrs. Sharda S. Wandile, Advocate for the petitioners,
Shri A.M. Deshpande, Addl. Govt. Pleader for respondent nos.1 to 4,
Shri Shaikh Majid, Advocate for respondent no.5,
None for respondent nos.6 and 7 though served.

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WRIT PETITION NO.1810 OF 2021

- 1] Mr. Mahendra Nitram Meshram,
Aged 41 years, Occ. Service,
R/o. Wadad, Bhandara-441802.
- 2] Mr. Gaurishankar Nilkanth Girhepunje,
Aged 37 years, Occ. Service,
R/o. Ward No.1, Dighori (Mothi),
Bhandara-441805.
- 3] Mr. Dhanraj Pandurang Misar,
Aged 47 years, Occ. Service,
R/o. Kocchi road, Ward No.2,
Bothali, Barwa, Lakhandur,
Bhandara-441805.
- 4] Mr. Nitin Faliram Kawale,
Aged 31 years, Occ. Service,
R/o. Mu. Pathari, Po. Nakadongri,
Tah. Tumsar, Dist. Bhandara-441907.
- 5] Mr. Vilas Kishan Garat,
Aged 42 years, Occ. Service,
R/o. Lendazari (Ronga),
Bhandara-441912.
- 6] Mr. Pandhari Wasudev Kore,
Aged 48 years, Occ. Service,
R/o. Gandhi Ward No.3, Bajar Parisar,
Asgaon, Bhandara-441910.
- 7] Mr. Amol Ramesh Barde,
Aged 30 years, Occ. Service,
R/o. Kudegaon, Bhandara-441803.

- 8] Mr. Pankaj Upasrao Galble,
Aged 39 years, Occ. Service,
R/o. Ward No.3, Mu. Post. Kandri,
Tah. Mohadi, Bhandara-441914.
 - 9] Mr. Madan Namdeo Burade,
Aged 53 years, Occ. Service,
R/o. Main Road, Gandhi Chauk,
Ward No.1, Sarandi Bk. Lakhandur,
Bhandara-441908.
 - 10] Mr. Darvin Nilkanth Kudegave,
Aged 36 years, Occ. Service,
R/o. Gramin Rugnalay, Lakhandur,
Bhandara-441803.
 - 11] Mr. Sanjay Anandrao Khandait,
Aged 42 years, Occ. Service,
R/o. Sanjay Nagar, Palandur,
Bhandara-441809.
 - 12] Mr. Mahesh Chindhu Lanjewar,
Aged 29 years, Occ. Service,
R/o. Wirshi, Bhandara-441802.
 - 13] Mr. Sharif Chhan Mohd. Sheikh,
Aged 47 years, Occ. Service,
R/o. C/o. Rajesh Nago Bhivankar,
121, Civil Ward, Behind Krushi Office,
Sakoli, Bhandara-441802.
 - 14] Mr. Pundlik Hansraj Ghormare,
Aged 34 years, Occ. Service,
R/o. Tudmapuri, Po. Satalwada,
Tah. Sakoli, Bhandara-441802.
- .. Petitioners

.. Versus ..

- 1] The State of Maharashtra,
through its Secretary,
Department of Public Health,

10th Floor, Complex Building
Premises of G.T. Hospital, Mumbai.

- 2] The State of Maharashtra,
through its Secretary, Department
of Rural Development and Water
Conservation, Mantralay,
Mumbai.
- 3] The Director of Health Services,
Directorate of Health Services,
Mumbai.
- 4] The Divisional Commissioner,
Nagpur Division, Nagpur.
- 5] The Zilla Parishad, Bhandara,
through its Chief Executive Officer.
- 6] Ashcom Media India Private Limited
through its Senior Manager, Head
Office at 'Ashkom House', 1A/104 NG
Suncity Phase-III, Thakur Village,
Kandivali East, Mumbai-400101. .. Respondents

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Shri Sudarshan S. Ramteke, Advocate for the petitioners,
Shri A.M. Deshpande, Addl. Govt. Pleader for respondent nos.1 to 4,
None for respondent nos.5 and 6 though served.
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CORAM : A.S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.
DATED : 06.04.2022.

ORAL JUDGMENT (Per : A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith. Heard the learned
counsel for the parties.

2. At the outset, the learned counsel for the petitioners in Writ Petition No.1305 of 2021 submits that prayer (b) and (c) in the writ petition are not being pursued at this stage by the petitioners. That statement is accepted.

3 The petitioners are engaged as contractual ambulance drivers at the various Primary Health Centres in the District of Nagpur and Bhandara. Since they are not being paid salary as is being similarly placed employees, they have filed these writ petitions seeking relief that they be paid salary equal to what is being paid to similarly placed employees on the principle of equal pay for equal work.

4. We note that similar issue was considered by this Court in Writ Petition No.2247/2014 (Dhiraj s/o Sudhakar Rao Wankhede and others .vs. The Zilla Parishad, Chandrapur and others) dated 20.11.2019.

In para 12 of the said decision, it has been held as under :

“We further direct that the petitioners be paid 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 with effect from the date of the petition. All arrears be calculated accordingly and paid by the respondent no.1 to the petitioners within a period of six months from the date of the order.”

5. This decision along with similar decisions in various writ petitions was challenged before the Hon'ble Supreme Court in Special Leave Petition (C) No.8395/2021 (The Chief Executive Officer, Zilla Parishad, Solapur .vs. Ashok Dhondiba Meher and others) and on 23.03.2022, the Hon'ble Supreme Court was pleased to dismiss the Special Leave Petition and confirm the order passed by this Court in the aforesaid matters. It was found that the judgment in Writ Petition No.2247/2014 (Dhiraj s/o Sudhakar Rao Wankhede and others (supra) was also challenged before the Hon'ble Supreme Court and that Special Leave Petition was dismissed on 22.02.2021.

6. We find that the aforesaid decision in the case of Dhiraj Wankhede (supra) has been followed in various other decisions of this Court at the Principal seat as well at its Benches. For the reasons stated in the decision in Dhiraj Wankhede (supra), the following order is passed :

ORDER

- (1) Both the writ petitions are allowed.
- (2) We direct that the petitioners be paid 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 with effect from the date of the petition. All arrears be calculated accordingly and paid by Zilla Parishad,

Nagpur and Bhandara respectively to the petitioners within a period of six months from the date of the order.

(3) The respondent nos.6 and 7 in Writ Petition No.1305/2021 and respondent no.6 in Writ Petition No.1810/2021, who are contractors, shall not replace the petitioners with other contractual employees if the petitioners continue to discharge their duties to the satisfaction of the said respondents.

(4) Rule is made absolute in aforesaid terms. No costs.

[SMT. M.S. JAWALKAR, J.]

[A.S. CHANDURKAR, J.]

Gulande