

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

**CIVIL APPLICATION NO. 3863 OF 2023
IN
REVIEW APPLICATION (CIVIL) (ST) NO. 3462 OF 2023
IN
WRIT PETITION NO. 10553 OF 2021**

Zilla Parishad, Nanded,
through its Chief Executive Officer,
Varsha d/o Damodhar Thakur

...Applicant

Versus

Dinesh Babarao Hambarde and others

...Respondents

.....

Mr. S. B. Pulkundwar – Advocate for applicant
Mr. S. G. Karlekar – AGP for respondent/State
Mr. P. A. Kulkarni – Advocate for petitioner in W.P.

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**WITH
CIVIL APPLICATION NO. 3864 OF 2023
IN
REVIEW APPLICATION (CIVIL) (ST) NO. 3462 OF 2023
IN
WRIT PETITION NO. 10553 OF 2021**

AND

**CIVIL APPLICATION NO. 3865 OF 2023
IN
REVIEW APPLICATION (CIVIL) (ST) NO. 3465 OF 2023
IN
WRIT PETITION NO. 10494 OF 2021**

Zilla Parishad, Nanded,
through its Chief Executive Officer,
Varsha d/o Damodhar Thakur & Anr.

...Applicants

Versus

Akshay Govind Jadhav and others

...Respondents

.....

Mr. S. B. Pulkundwar – Advocate for applicant
Mr. S. G. Karlekar – AGP for respondent/State
Mr. P. A. Kulkarni – Advocate for petitioner in W.P.

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WITH
CIVIL APPLICATION NO. 3866 OF 2023
IN
REVIEW APPLICATION (CIVIL) (ST) NO. 3465 OF 2023
IN
WRIT PETITION NO. 10494 OF 2021

AND
CIVIL APPLICATION NO. 3856 OF 2023
IN
REVIEW APPLICATION (CIVIL) (ST) NO. 3468 OF 2023
IN
WRIT PETITION NO. 10493 OF 2021

Zilla Parishad, Nanded,
through its Chief Executive Officer,
Varsha d/o Damodhar Thakur

...Applicant

Versus

Kisan Laxman Borkar and others

...Respondents

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Mr. S. B. Pulkundwar – Advocate for applicant
Mr. S. G. Karlekar – AGP for respondent/State
Mr. P. A. Kulkarni – Advocate for petitioner in W.P.

.....

WITH
CIVIL APPLICATION NO. 3858 OF 2023
IN
REVIEW APPLICATION (CIVIL) (ST) NO. 3468 OF 2023
IN
WRIT PETITION NO. 10493 OF 2021

AND
CIVIL APPLICATION NO. 3869 OF 2023
IN
REVIEW APPLICATION (CIVIL) (ST) NO. 3471 OF 2023
IN
WRIT PETITION NO. 10541 OF 2021

Zilla Parishad, Nanded,
through its Chief Executive Officer and another

...Applicants

Versus

Indarsing Gulabsingh Pandhare and others

...Respondents

.....
 Mr. S. B. Pulkundwar – Advocate for applicant
 Mr. S. G. Karlekar – AGP for respondent/State
 Mr. P. A. Kulkarni – Advocate for petitioner in W.P.

.....

WITH
 CIVIL APPLICATION NO. 3870 OF 2023
 IN
 REVIEW APPLICATION (CIVIL) (ST) NO. 3471 OF 2023
 IN
 WRIT PETITION NO. 10541 OF 2021

AND
 CIVIL APPLICATION NO. 3867 OF 2023
 IN
 REVIEW APPLICATION (CIVIL) (ST) NO. 3477 OF 2023
 IN
 WRIT PETITION NO. 10546 OF 2021

Zilla Parishad, Nanded,
 through its Chief Executive Officer and another

...Applicants

Versus

Gajanan Bajirao Pavade and others

...Respondents

.....
 Mr. S. B. Pulkundwar – Advocate for applicant
 Mr. S. G. Karlekar – AGP for respondent/State
 Mr. P. A. Kulkarni – Advocate for petitioner in W.P.

.....

WITH
 CIVIL APPLICATION NO. 3868 OF 2023
 IN
 REVIEW APPLICATION (CIVIL) (ST) NO. 3477 OF 2023
 IN
 WRIT PETITION NO. 10546 OF 2021

...

CORAM : RAVINDRA V. GHUGE
 AND
 SANDIPKUMAR C. MORE, JJ.

DATED : 13th JULY 2023

PER COURT : -

1. In identical matters, the delay caused has been condoned and the review applications have been heard and decided by order dated 02.03.2023 in Civil Application No. 16518 of 2022 in Review Application St. No. 13845 of 2022, (Zilla Parishad, Aurangabad, through its Chief Executive Officer and another Versus Asef Ahmad Shaikh and others) and connected matters.
2. In view of the above and upon considering the contentions of the learned advocates for the respective sides, **the Civil Applications seeking condonation of delay of 181 days, are allowed.** Delay is condoned.
3. By consent of the parties, the Review Application St. No. 3462 of 2023 with connected applications are taken up for hearing and disposal.
4. Heard the learned counsel for the respective sides.
5. Both the parties concede that the view taken in the order dated 02.03.2023 in **Asef Ahmad Shaikh** (supra), would be applicable to the present cases.

6. In **Asef Ahmad Shaikh** (supra), we had recorded in paragraph nos. 13 to 21 as under : -

- “13. In view of the above, these Review Petitions are partly allowed. The orders sought to be reviewed, are partly recalled to the extent of restoring the Writ Petitions to the file of this Court.
14. While restoring the Writ Petitions to the file, we deem it appropriate to balance the equities in order to ensure that the original Petitioners, who have been working as Ambulance Drivers on contractual basis in between 10 to 15 years, are adequately protected and their monthly salaries are paid without interruption.
15. It is pointed out to us by the learned advocate for the original Petitioners that there is a recent development in the nature of the earlier contractor, namely, Ashkom Media India Private Limited having suffered termination of contract. At the same time, another contractor, who stepped in place of the former, namely, Laxmidatta Solutions Private Limited, has also suffered cancellation of the contract. For the present, the Government of Maharashtra through its Directorate of Health Services has issued the communication dated 24.01.2023 to the District Health Officers of all the Zilla Parishads that all the Zilla Parishads should submit details of salaries payable to the contractual drivers. A specific format/chart has been supplied, which also includes the GST to be levied. The Zilla Parishads are called upon to state the quantum of funds that they would require to pay monthly salaries of these ambulance drivers, directly through the Zilla Parishads.
16. We, therefore, direct that the minimum pay scale at the lowest grade in the regular pay scale extended to regular employees holding the same ambulance driver post, shall be paid to the Petitioners until further orders in their Writ Petitions. So also, their services shall not be terminated without leave of the Court, only in relation to their contractual employment.
17. Since the petitioners have not been paid salaries for periods ranging between 12 to 15 months, keeping in view the communication by the State of Maharashtra through the Joint Director of Health Services dated 24.01.2023, the concerned Zilla Parishads would intimate to the Joint Director of Health Services, Mumbai, as regards the quantum of unpaid salaries of these ambulance drivers. The chart annexed to the communication dated 24.01.2023, shall be filled in by the Zilla Parishads and shall be tendered to the Joint Director of Health Services, Mumbai, within 10 (ten) days from today.
18. Considering the communication dated 24.01.2023 issued by the Joint Director to all the District Health Officers of the Zilla Parishads, we expect the Directorate of Health Services to initiate immediate steps to ensure that monthly salaries of these drivers are paid beginning from the month of March, 2023. Needless to state, as the contractors had deployed these Petitioners and since their contracts have been

terminated, their further bills shall not be cleared without the leave of our court.

19. The learned advocate for the petitioner submits that the earlier contractor as well as the one who succeeded it, namely, Ashkom Media India Private Limited and Laxmidatta Solutions Private Limited, would be arrayed as the Respondents in the Writ Petitions. So also, the Union of India would also be arrayed as the respondents. Let such addition be carried out and those contractors, who were deploying these Petitioners at the time of filing of the petitions and subsequently, be arrayed as Respondents in the Writ Petitions. This exercise would be completed by 09.03.2023.
20. The pending Civil Applications do not survive and stand disposed off.

ORDER IN THE WRIT PETITIONS, RESTORED TODAY

21. In view of the Order passed today in the Review Applications, office to issue notice to the added respondents in the Writ Petitions, returnable on 05.04.2023. The learned Standing Counsel waives service of notice on behalf of the added Respondent Union of India. Besides the court notice, the Petitioners are at liberty to serve these added contractors through private service by speed post A.D. as well as on their email addresses.”

7. In view of the above, the directions set out in the reproduced paragraph nos. 13 to 21, would apply to all these review applications and same are **partly allowed**. The directions would bind the parties as set out therein. The **Writ Petitions, therefore, stand restored**. Liberty to circulate before the appropriate bench.

8. **Pending civil applications**, if any, do not survive and **stand disposed off**.

[SANDIPKUMAR C. MORE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE