

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

77 WRIT PETITION NO.4312 OF 2023

KIRAN SURESH PATIL AND OTHERS
VERSUS
THE UNION OF INDIA, THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Pramod A. Kulkarni.
Advocate for Respondent/UOI : Mr. A. G. Talhar.
AGP for Respondent/State : Mr. S. G. Karlekar.
Advocate for Respondent No.5 : Mr. V. V. Gujar.
...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 17th April, 2023.

Per Court:

1. The Petitioners have put forth prayer clauses 'B' to 'D' as under:-

"B) By order of the Hon'ble Court, respondent No. 4 be directed that the petitioners be paid wages at minimum of the pay scale. (At the lowest grade in the regular pay scale)

C) Pending hearing and final disposal of this writ petition by order of the Hon'ble Court, Respondent No.4 be directed to not to terminate the services of the present petitioner.

D) The Hon'ble Court to be pleased to direct the respondent to pay arrears as in accordance with law."

2. The Petitioners claim to be contractual ambulance drivers

appointed by the *Rugna Kalian Samiti* constituted by the Zilla Parishad, Jalgaon.

3. This Court has concluded in several judgments that such contractual ambulance drivers would be entitled for the minimum lowest pay-grade as is available to regular drivers. There is no dispute on this settled position of law. It is equally settled that a contractual employee / ad-hoc employee cannot be replaced by an ad-hoc employee.

4. In view of the above, **this Petition is disposed off** with the following directions:-

- a) The *Rugna Kalyan Samiti* of the Zilla Parishad would continue these Petitioners as long as the scheme lasts or is implemented.
- b) These Petitioners would be entitled for the minimum pay-scale in the lowest grade as is available to the regular employees.
- c) The arrears of their unpaid salaries / wages would be calculated and would be paid to these Petitioners by following the settled procedure, within 60 days from today.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]