

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

902 REVIEW APPLICATION (CIVIL) NO.248 OF 2023
IN WP/4358/2023

BVG India Limited
2nd Floor, Aundh Chest Hospital,
Aundh Camp. New Sangvi, Pune-411027.

... Applicant
(Original Res. No. 7)

Versus

1. Sumit Shantial Rathod
Age: 32 year, Occup: Driver,
At: Ghusur Tanda Post: Chikhalkhan
Tq: Kannad, Dist: Aurangabad.
2. Ajinath Devidas Sonwane
Age: 32 yrs, Occup: Driver,
Plot no. 75 Servey No. 152/2,
Indra Park, Vasant Nagar,
Harsool, Dist: Aurangabad.
3. Sainath Nanarao Harkal
Age; 39 yrs, Occup: Driver
Tq: Fulambri, Dist; Aurangabad.
4. Bhaginath Shridhar Mankape
Age: 36 yrs, Occup: Driver,
Post: Jategaon, Tq: Phulamri,
Dist: Aurangabad.
5. Allawale Ramiani Shah
Age: 45 yrs, Occup: Driver,
At post: Gadana, Tq: Khultabad,
Dist: Aurangabad.
6. Pravin Dilip Bhivsane
At: Ridhora, Post: Takli Kolte,
Tq: Plulambri, Dist: Aurangabad.
7. Deepak Arun Bhamre
Post: Kheda, Dist : Aurangabad.
8. Vilas Ramdas Bhalerao
H. No.14, Sr.no. 11505
Ekta Nagar, Jatwada Road,
Harsul, Dist: Aurangabad.

9. Dilip Laxman Chavan
Mu.Po. Sultanpur, Near Mhadev Mandir
Tq: Khultabad, Dist: Aurangabad.
10. The Union of India,
Through It's Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.
11. State of Maharashtra,
Through its Secretary
Public Health Department
10th Floor Complex Building
Premises of GT Hospital, Mumbai.
12. Director of Health Services,
Directorate of Health Services, Mumbai.
13. The Divisional Commissioner,
Aurangabad division, Aurangabad.
14. Chief Executive Officer,
Zilla Parishad, Aurangabad.

... Respondents

(Res. Nos. 1 to 9 are original
Petitioners and Res. No. 10
to 14 are Original Res. No.1 to 5)

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Mr. Ashutosh M. Kulkarni h/f Mr. Girish N. Kulkarni, Advocate for Applicant.
Mr. P. A. Kulkarni, Advocate for Respondent Nos.1 to 9.
Mr. P. S. Patil, AGP for Respondent Nos.11 to 13.
Mr. V. C. Patil, h/f Mr. U. B. Bondar, Advocate for Respondent No.14.

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

DATE : 30th November, 2023.

Per Court:

1. We have considered the submissions of the learned Advocate Shri Ashutosh Kulkarni through the virtual mode. The learned Advocate for the original Petitioners has relied upon the

affidavit-in-reply and has canvassed the grounds set out for opposing the Review Application.

2. Having heard the submissions of the learned Advocates, it is undisputed that the Review Applicant was Respondent No.6 in Writ Petition No.4358 of 2023. It is equally undisputed that notice was not issued to the Review Applicant when the Writ Petition was heard. A short order was passed on the ground that the contractual ambulance drivers were held entitled for minimum pay-scale in the lowest grade as was available to the regular drivers in various other proceedings before various benches and, therefore, this Court disposed off the Writ Petition issuing similar directions by which, the present Review Applicant was cast with the responsibility of continuing the contractual ambulance drivers and pay their salaries in view of the directions of the Court. The Review Applicant is aggrieved that effective directions were issued against it without even an opportunity of hearing. The learned Advocate for the original Petitioners concedes to this fact situation.

3. It is apparent that the Review Applicant, who was Respondent No.6 in the Writ Petition, was not heard when the order was passed, though the said order was based on earlier orders, which considered purported similarity amongst the contractual employees.

Now that a grievance has been raised by the said Respondent no.6/Review Applicant, it would be appropriate to restore the Writ Petition and grant an opportunity to Respondent No.6 to enter its affidavit-in-reply.

4. In view of the above, **this Review Application is allowed.**
The impugned order dated 18th April, 2023 is recalled and Writ Petition No.4358 of 2023 is restored at the stage of admission hearing.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]