

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.1476 of 2019

Shailesh s/o Arjun Dahagaonkar and 10 others. ...PETITIONERS

Versus

Zilla Parishad, Gadchiroli, through its Chief Executive Officer
and another. ...RESPONDENTS

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Shri A. P. Chaware, Advocate for the petitioners.

Ms S. P. Giratkar, Advocate for respondent no.1.

Ms S.S.Jachak, Assistant Government Pleader for respondent no.2.

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CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 3rd JULY, 2023

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Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. All the petitioners are serving as Drivers with the Zilla Parishad, Gadchiroli. Their initial appointment was on contractual basis for the period of eleven months. The contracts came to be renewed from time to time and on that basis the petitioners continue in service. The petitioners seek remuneration of Rs.13,937/- per month in view of the Circular dated 02.02.2013 issued by the Finance Department of the State Government. According to the learned counsel for the petitioners similarly situated drivers employed by the Zilla Parishad, Gadchiroli, are being paid in accordance with the applicable pay-scale and the petitioners should be given benefit of the same. For that purpose, the petitioners have made representations dated 26.11.2018 and 29.11.2018. The petitioners have relied upon the decisions in *State of Punjab and others vs. Jagjit Singh and others [(2017) 1 SCC 148]* and *Dhiraj s/o Sudhakar Rao Wankhede and others vs. Zilla Parishad, Chandrapur and others [2020(6) Mh. L. J. 201]* for seeking such relief.

3. Reply has been filed on behalf of the Zilla Parishad, Gadchiroli, indicating the basis for not making such pay-scale applicable to the petitioners. According to it, the petitioners are not similarly situated as those drivers who are receiving salary as per the regular pay-scale.

4. We find that initially it is for the Zilla Parishad to consider whether the remuneration sought by the petitioners of Rs.13,937/- per month can be made applicable to them. The petitioners having made two representations dated 26.11.2018 and 29.11.2018, it would be necessary for the Zilla Parishad to consider the same and assign the reasons for its decision.

5. In the light of the aforesaid, the following order would serve the ends of justice:

(i) The Chief Executive Officer, Zilla Parishad, Gadchiroli shall consider the petitioners representations dated 26.11.2018 and 29.11.2018 by giving opportunity of hearing to the petitioners.

(ii) The petitioners are free to rely upon the decisions referred to in the representations as well as any additional material on which they seek to rely. Such opportunity of hearing can be granted to the representatives of the petitioners.

(iii) To enable consideration of the petitioners representations, they shall appear before the Chief Executive Officer, Zilla Parishad, Gadchiroli on 15.07.2023. The Chief Executive Officer, Zilla Parishad, Gadchiroli, shall decide the representations of the petitioners within a period of four weeks from that date and outcome thereof shall be communicated to the petitioners.

(iv) Needless to state that if the grievance of the petitioners still subsists thereafter, they are free to take such steps as are permissible in law.

(v) Rule stands disposed of in aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.