



(1)

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

36 WRIT PETITION NO. 3190 OF 2024

VISHVADIP ANIL SURWADE AND OTHERS
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

....

Mr Pramod A. Kulkarni, Advocate for Petitioners;
Ms Sudha S. Chintamani, Standing Counsel for Respondent No.1
Mr V. M. Kagne, A.G.P. for Respondent Nos.2 to 4

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 26th March, 2024

PER COURT:

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

*“B) By an 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
petitioners as long as the scheme lasts.*

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

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2. The Petitioners claim to be contractual ambulance drivers appointed by the Rugna Kalyan 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 Writ 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

(3)

following the settled procedure, within 60 days from today.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk