



(1)

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

921 WRIT PETITION NO. 5011 OF 2024

RAMRAO NARAYAN DANTALWAD

VERSUS

**THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS**

....

Mr P. A. Kulkarni, Advocate for Petitioner;

Mr A. G. Talhar, DSGI for Respondent No.1

Mr S. J. Salgare, A.G.P. for Respondent Nos.2 to 4

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 11th June, 2024

PER COURT:

1. The Petitioner has 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 petitioner.

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

(2)

2. The Petitioner claims to be contractual ambulance driver appointed by the Rugna Kalyan Samiti constituted by the Zilla Parishad, Nanded.

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 the 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 this Petitioner as long as the scheme lasts or is implemented.
- b) The Petitioner would be entitled for the minimum pay-scale in the lowest grade as is available to the regular employees.

(3)

c) The arrears of his unpaid salary/wages would be calculated and would be paid to the Petitioner by following the settled procedure, within 60 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk