



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16763 OF 2024

Akram Harun Shaikh And Ors.

...Petitioners

Versus

The State Of Maharashtra

Throu. Its Sec. Dept Of Public Health And Ors.

...Respondents

WITH

WRIT PETITION NO.16765 OF 2024

Rajendra Khandu Rakshe And Ors.

...Petitioners

Versus

The State Of Maharashtra

Throu. Its Sec. Dept Of Public Health And Ors.

...Respondents

WITH

WRIT PETITION NO.16767 OF 2024

Laxman Kondiba Bavdane And Ors.

...Petitioners

Versus

The State Of Maharashtra

Throu. Its Sec. Dept Of Public Health And Ors.

...Respondents

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Adv. Pramod Ambadas Kulkarni for the Petitioners.

Adv. V. M. Mali, AGP for the Respondent-State in WP/16763/2024.

Adv. Nisha Mehra, AGP for the Respondent-State in WP/16765/2024.

Adv. P. J. Gavhane, AGP for the Respondent-State in WP/16767/2024.

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CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 22nd NOVEMBER, 2024

Per Court :-

1. In these Petitions, the Petitioners have put forth two fold prayers. Firstly, that they should be granted minimum pay scale at lowest grade in the regular pay scale extended to the regular employees holding the same post. Secondly, they should be protected against the termination of their contractual services.

2. The learned AGP has vehemently opposed the second prayer contending that the contractual service details of the Petitioners would indicate that some Petitioners have joined hardly six months to nine months ago. She has taken efforts to prepare a ready reference chart (two pages) for the assistance of the Court. The same is taken on record and marked as 'X' for identification.

3. The learned Advocate for the Petitioners submits that time and again, this Court has concluded that those employees who complete 10 years or more in various establishments, need to be protected. The judgment in the matter of *Secretary , State of Karnataka And Ors. vs. Umadevi (3) And Ors., [(2006) 4 Supreme Court Cases 1]* is relied upon. He, therefore, contends that those who are working for 10 years or more should be protected against replacement by ad-hoc or contractual fresh

ambulance drivers.

4. In so far as the grant of pay scale is concerned, we have dealt with the entire history of the litigation with regard to these ambulance drivers vide our extensive order dated 30th August, 2024 delivered at the Aurangabad Bench in a large group of cases (*Writ Petition No.1913 of 2024, Navnath Bhaskar Dive And Anr vs. State of Maharashtra And Ors.*). The Hon'ble Supreme Court has crystallized the law in the light of various judgments delivered by this Court at the Principal Seat, at Aurangabad Bench and the Nagpur Bench. The order delivered by this Court at Aurangabad in *Navnath Bhaskar Dive* (supra), is on account of all the then pending ambulance drivers cases, having been transferred to the Aurangabad Bench.

5. In view of the above, **these Writ Petitions are disposed off** with the direction that the Petitioners would paid the minimum pay scales at lowest grade in the regular pay scales extended to the regular employees. In so far as, those ambulance drivers who have put in more than 10 years as contractual employees, their services would be protected, meaning thereby that they would not be replaced by new contractual or ad-hoc ambulance drivers, save and except, in the cases of

removal from contractual service on account of age or misdemeanor.

6. The pay scale granted by this Court shall be paid prospectively. We would also advise the Zilla Parishad and the State Government to ensure that the fresh tenders or contracts by which the services of contractual ambulance drivers are renewed or extended or freshly engaged due to available vacancies, the tender document must indicate the pay scale which will have to be mandatorily paid to these drivers and accordingly the financial aspect of the tenders shall be taken care of by the State Government. Needless to state, further directions that are issued in *Navnath Bhaskar Dive* (supra) with regard to the payment of the wages to the contractual drivers directly by the Zilla Parishad or by the State Government, would be equally applicable.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)