



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1413 OF 2025

Shaikh Matin Shaikh Amin

... PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary
Department of Public Health
10th Floor Complex Building Premises
G.T. Hospital Mantralaya Mumbai.
2. The Director of Health Services
Saint George Hospital Compound
PD. Mello Road,
Mumbai - 400001.
3. The Chief Executive Officer,
Zilla Parishad, Parbhani
Dist. Parbhani.
4. The District Health Officer,
Zilla Parishad, Parbhani

... RESPONDENTS

...

Advocate for the Petitioner : Mr. Bhosale Sanjaykumar B.

AGP for Respondents/State : Mr. M.K. Goyanka

Advocate for Respondents No.3 and 4 : Mr. Vivek Bhavthankar

...

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.

DATE : 27.02.2025

PER COURT:

The petitioner has been working as an Ambulance Driver in a Primary Health Center, Yeldari under the respondents. His services have been engaged through a contractor. He is claiming benefit of regularization in tune with the Government Resolution dated 04.12.2024

and also simultaneously praying for grant of pay equal to the one being paid to the ambulance driver on the regular establishment, as has been consistently approved by the division benches of this Court in number of matters and which orders have sustained up to the Supreme Court, except in respect of the regularization.

2. We have heard both the sides finally.

3. The parties are *ad idem* that this Court has taken a consistent view in the matters of similarly placed ambulance drivers who are engaged through contractors holding them entitled to have minimum of the pay scale available to the regular ambulance drivers on the permanent establishment from the date of the petition.

4. Some such judgments have also been annexed to the petition are as follows :

- i. Nagendrayya P Hiremath and Ors. Vs. The State of Maharashtra and Ors.; WP(ST) 92250/2020 with connected writ petitions (Principal Seat)
- ii. The Chief Executive Officer, Zilla Parishad, Solapur Vs. Ashok Dhondiba Meher and Ors.; Special Leave Petition (C) No.8395/2021 with connected SLPs

5. In that view of the matter, the prayer for getting the pay scale at the minimum of the pay scale is innocuous and deserves to be accepted.

6. Though it is a matter of record that in the earlier division bench matters request for regularization was flatly refused and even that refusal had received approval of the Supreme Court. However, the

scenario has undergone a change, inasmuch as, by Government Resolution dated 04.12.2024 a policy decision has been taken to regularize the ambulance drivers who have been engaged through contractors in the National Health Mission Scheme who have put in more than 10 years, within the approved staffing patterns on the establishment of the Health Department of the State. Consequently, the respondents deserve to be directed to consider the petitioner's case on its own merits for regularization under the Government Resolution dated 04.12.2024.

7. The writ petition is allowed partly.

8. The respondents are directed to pay to the petitioner from the date of the petition, wages at the minimum of the pay scale at the lowest grade in the regular pay scale extended to the regular employees working as ambulance drivers.

9. The arrears shall be paid within four months.

10. The respondent Nos.3 and 4 shall forward the proposal of the petitioner for regularization to the respondent Nos.1 and 2 within four weeks and the latter shall consider it by undertaking scrutiny and extend the benefit under the Government Resolution dated 04.12.2024 if the petitioner is found entitled to, within three months thereafter.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)