

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.10393 OF 2025**

Dr. Dinkar Kisan Choudhari

... Petitioner

Vs.

Union of India & Ors.

... Respondents

**WITH
INTERIM APPLICATION (ST) NO.20748 OF 2025
IN
WRIT PETITION NO.10393 OF 2025
AND
WRIT PETITION NO.8214 OF 2025**

Union of India & Ors.

... Petitioner

Vs.

Dr. Dinkar Kisan Chaudhari & Ors.

... Respondents

Mr. R. R. Shetty a/w V. P. Shirke for the Petitioner in WP No.10393 of 2025 and for Respondent Nos.1 and 2 in WP No.8214 of 2025.

Mr. Aniruddha A. Garge for the Respondent in WP No.10393 of 2025 and for the Petitioner in WP No.8214 of 2025.

**CORAM : M.S. KARNIK &
N.R. BORKAR, JJ.****DATE : 29TH JULY 2025****PC. :**

1. Heard Mr. Shetty, Learned Counsel for the Petitioner in Writ Petition No.10393 of 2025 and for Respondent Nos.1 and 2 in Writ Petition No.8214 of 2025 as also Mr. Garge, Learned Counsel for the Petitioner in Writ Petition No.8214 of 2025 and for the Respondent in Writ Petition No.10393 of 2025.

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2. These are the cross Petitions challenging the order dated 23rd July 2024 passed by the Central Administrative Tribunal, Mumbai Bench in R. A. No.42 of 2024 and in O.A. No.669 of 2023.

3. Suffice it to observe at the stage of admission that the Petitioner was appointed on an Ad-Hoc basis as an Assistant Professor with the College of Military Engineering in the year 2017. The said appointment was pursuant to an advertisement. Thereafter, on year-to-year basis, the advertisement came to be issued and the Petitioner was appointed to work as an Assistant Professor till the year 2023. In the year 2023, the Original Application was filed by the Petitioner claiming the reliefs, *firstly* for regularisation and *secondly* that he should be paid the same pay scale which is granted to the regular employees. A fresh advertisement came to be issued in the year 2023 when the Petitioner was not selected.

4. The Tribunal by the impugned order granted the relief of regular pay scale to the Petitioner. The same is challenged by Mr. Garge, Learned Counsel for the Respondent-Union of India by submitting that the Petitioner was appointed on an Ad-Hoc basis and the terms of advertisement were very clear which provided for the remuneration as

well. Hence, it is not open for the Petitioner to claim benefits of regular pay scale.

5. The Tribunal in the impugned order relied upon the decision of this Court in the case of *Sabha Shanker Dube vs. Divisional Forest Officer and Ors.* in Civil Appeal No.10956 of 2018 (SC) decided on 14th November 2018 for the proposition that an employee engaged for same work cannot be paid less than another who performs the same duties and responsibilities.

6. *Prima facie*, we find that the Tribunal is justified in placing reliance on the aforesaid decision for the reasons mentioned in the order.

7. However, sofar as the relief of regularisation is concerned, the Tribunal was not inclined to grant the relief of regularisation. Learned Senior Counsel for the Petitioner submits that the Petitioner's case is squarely covered by the decision rendered by this Court in the case of *Sachin Ambadas Dawale & Ors. vs. State of Maharashtra & Anr.* in CAW No.2811 of 2012 in Writ Petition No.2046 of 2010. In the facts of the present case, we find that for the period from 2017 to 2023, the Petitioner has discharged his duties as an Assistant Professor in the College of

Military Engineering. The Petitioner cannot be deprived of the benefit of appointment as an Assistant Professor on an Ad-Hoc basis on the principle that one Ad-Hoc should not be replaced by another Ad-Hoc. The Petitioner was discontinued after he approached the Tribunal by way of Original Application for regularisation.

8. It needs to mention here that almost for a period of seven years, the Petitioner has discharged his duties as an Assistant Professor on an Ad-Hoc basis in the College of Military Engineering. Now a fresh advertisement is issued for an appointment of an Assistant Professor on Ad-Hoc basis. We are of the opinion that if at all the post is to be filled in on an Ad-Hoc basis, the Petitioner needs to be appointed on an Ad-Hoc basis during the pendency of this Petition till the regularly selected candidate is available. This is by way of an interim relief.

9. In the event the Respondent-College of Military Engineering decides to fill the post of Assistant Professor on regular basis and an advertisement to that effect is issued, it is open for the Petitioner to participate in the said process or approach this Court for appropriate reliefs. Liberty to that extent is kept open.

10. Since arguable questions are raised, hence Rule in both the Writ Petitions. Rule made returnable on **13th October 2025**.

11. Mr. Garge, Learned Counsel waives service of Rule on behalf of the Respondent in Writ Petition No.10393 of 2025. Mr. Shetty, Learned Counsel also waives service of Rule on behalf of Respondent Nos.1 and 2 in Writ Petition No.8214 of 2025.

12. Affidavits in Reply, if any, to be filed within a period of four weeks from today.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)