



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.816 OF 2025

Vivek Madhukar Akhare, Akot, Akola

-VS-

The State of Maharashtra, Thr. Secretary, Dept.of Public Health Officer, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri P. A. Kulkarni, Advocate for petitioner.

Shri H. D. Marathe, Assistant Government Pleader for respondent Nos.1 to 5.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : February 17, 2025

P. C.

1. Heard.

2. In this petition, the petitioner has put forth two fold prayers. Firstly, that he should be granted minimum pay scale at the lowest grade in the regular pay scale extended to the regular employees holding the post and secondly, he should be protected against the termination of his contractual service.

3. The counsel for the petitioner submitted that an identical issue has been considered and decided in the judgment dated 22/11/2024 delivered at the Principal Seat in Writ Petition No.16763/2024 (*Akram Harun Shaikh and ors. vs. The State of Maharashtra, Thr. Secretary, Dept. of Public Health and ors. with connected writ petitions*) so also the order delivered at the Aurangabad Bench dated 30/08/2024 passed in Writ Petition No.1913/2024 (*Navnath Bhaskar Dive and anr. vs. State of Maharashtra and ors.*)

4. The learned Assistant Government Pleader opposed the prayer contending that the petitioner has put in only about three years' service on contractual basis. He has not completed 10 years' service and therefore his second prayer cannot be granted.

5. We have perused the judgment in Akram Harun Shaikh (supra).

In paragraphs 4, 5 and 6 it is observed thus :

“ 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.1919 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 be paid the minimum pay scales at lowest grade in the regular pay scales extended to the regular employees.

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.”

6. In view of the above, the writ petition is partly allowed with the direction that the petitioner would be paid the minimum pay scale at the lowest grade in the regular pay scales extended to the regular employees.

7. Writ Petition is disposed of accordingly with no order as to costs.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)