



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

WRIT PETITION NO.138 OF 2025

Remaji Maroti Shende and ors. -Vs- The State of Maharashtra and ors.

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

Court's or Judge's Orders.

Ms.S.S.Wandile, counsel for the petitioner/s.
Ms.S.S.Jachak, Addl.G.P. for respondent Nos.1 to 4.
Mr.M.L.Vairagade, counsel for respondent No.5.

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

DATE : 6th MAY, 2025.

1. In response to the submissions made by the learned counsel appearing for the petitioners in the matter of implementing the doctrine of equal pay for equal work as the petitioners are discharging their duties as ambulance driver with respondent No.5, in Writ petition No. 2247 of 2014 (Dheeraj Sudhakar Rao Wankhede and ors. Vs.Mitali Sethi, CEO,ZP and ors.) pursuant to the directions given therein the respondent Zilla Parishad has approved the grant of minimum wages however, the dearness allowance is not included. According to her, the said issue was duly adjudicated in Writ Petition No.2247 of 2014, and in the Contempt Petition No.52 of 2022 the dearness allowance is already made applicable and payable to the petitioners.

The aforesaid contentions are disputed by the learned counsel appearing for the respondent no.5 based on the claim that : (a) the appointment of the petitioner was on consolidated pay (b) the pay does not include the dearness allowance, and (c) the judgment in Writ Petition No. 2247 of 2014 was questioned before the Apex Court.

2. The learned counsel appearing for the petitioners while countering the aforesaid submissions, has clarified that the SLP preferred against the judgment delivered in Writ Petition No.2247 of 2014 is already dismissed.

3. As such it is borne out of the record that the petitioners are made admissible to the basic pay vide communication dated 31/12/2020 passed by the respondent No.5 based on the judgment in Writ Petition No.2247 of 2014 decided on 20/11/2019. Apart from above, paragraph No.12 of the said judgment dated 20/11/2019 provides that the petitioners therein, who are similarly placed like the present petitioners shall be paid wages at minimum pay scale (at lowest grade in the regular pay scale) extended to regular employees holding the same post with effect from the date of the petition and the arrears were required to be calculated accordingly to be paid within a period of six months from the date of the order. The expression 'minimum of the pay' is informed to

include the dearness allowance and for interpreting the inclusion of the dearness allowance in the basic pay, the reliance is placed on the order of the Apex Court delivered in Contempt Petition(Civil) No.399 of 2020, arising out of Special Leave Petition (Civil) No. 25389 of 2011 decided on 16/08/2022. We are informed by the learned counsel appearing for the petitioner that the Gadchiroli Zilla Parishad and some of the employees of the respondent Zilla Parishad have already paid the dearness allowance. That being so, we deem it appropriate to allow the writ petition with directions to all the respondents to pay the dearness allowance to the petitioners from three years preceding to the date of filing of the present petition viz. 21/12/2024 and after calculating the same, the amount be disbursed in any case, including the arrears within a period of six months from the date of production of copy of this order.

4. The writ petition accordingly stands allowed and disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)