

(2011) 05 GUJ CK 0087

In the Gujarat High Court

Case No : Special Civil Application No. 9333 of 2001

Bhaskar Shivprasad Vora

APPELLANT

Vs

State of Gujarat and Others

RESPONDENT

Date of Decision : 11-05-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 05 GUJ CK 0087

Hon'ble Judges : A.L. Dave, J

Bench : Single Bench

Advocate : N.V. Anjaria, for the Appellant; K.L. Pandya, AGP, for the Respondent

Judgement

A.L. Dave, J.—By this petition under Article 226 of the Constitution of India, the Petitioner seeks the following reliefs:

(A) Your Lordships will be pleased to issue a writ of or in the nature of mandamus or any other appropriate writ, order or direction, directing the Respondents herein to grant the benefits of payment of arrears of salary/higher grade/selection grade, etc. and of consequential benefits including revision in pension and gratuity amounts payable to the Petitioner which have become payable to the Petitioner by virtue of revision in his seniority as Senior Clerk and giving deemed date of 24.7.1980 as reflecting in the seniority list for Senior Clerks published on 10.10.2000 showing the position of 1.1.2000 (Annexure-E to the petition).

(B) Your Lordships will be pleased to issue a writ of or in the nature of mandamus or any other appropriate writ, order or direction, directing the Respondent No. 4 to pay the Petitioner revised amount of pension and revised amount of gratuity in accordance with the aforesaid revision mentioned in prayer (A) above.

(C) Your Lordships will be pleased to direct the Respondents to pay the aforesaid benefits with 15% interest and also to pay costs of this petition.

(D) Pending hearing and final disposal of the present Special Civil Application, Your Lordships will be pleased to direct the Respondents herein to issue necessary formal orders pursuant to the revision of seniority of the Petitioner in the cadre of Senior Clerk and revised deem date of 24.7.1980 as reflected in the seniority list published on 10.10.2000 showing the position of 1.1.2000 (Annexure-E to the petition).

(E) Any other order necessary in the interest of justice be passed.

2. Learned Advocate Mr. N.V. Anjaria for the Petitioner indicated that during the pendency of this petition, the Petitioner has received all benefits except amount of revised gratuity, for which the petition was filed pursuant to the change in deemed date of promotion. Mr. Anjaria submitted that the dispute is substantially redressed, however, the Petitioner is keen on claiming interest over the delayed payment. Mr. Anjaria further states that considering the positive approach of the other side, the Petitioner will make a representation to the Respondents authorities for the unpaid amount of difference in gratuity and interest on the delayed payments.

3. In light of this statement, if such representation is made by the Petitioner, the same shall be considered by the Respondents - authorities as expeditiously as possible. The petition stands disposed of accordingly. Rule is discharged with no order as to costs.