

(2000) 04 GUJ CK 0116
In the Gujarat High Court

Case No : Special Civil Application No. 70 of 2000

G.O. Raval Draftsman

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 27-04-2000

Acts Referred:

Citation : (2000) 04 GUJ CK 0116

Hon'ble Judges : R.R. Tripathi, J

Bench : Single Bench

Advocate : I.S. Supehia, for the Appellant; Digant P. Joshi, Asstt. Government Pleader for Respondent Nos. 1 and 3 and Sejal K. Mandavia, for the Respondent

Final Decision : Allowed

Judgement

R.R. Tripathi, J.—This Court had issued notice on 11.1.2000. After number of adjournments, respondent no.1 filed a reply on 15.3.2000. For the present, Mr.Supehia, learned advocate for the petitioner is restricting his challenge to the impugned order, dated 15.10.1996, Annexure "C" to the petition on the ground that the same was not passed after granting personal hearing. Hence the same is in violation of principles of natural justice and is required to be quashed. Mr.Joshi, AGP is not able to point out anything which will go to show that the order is passed after affording an opportunity of hearing to the petitioner. Therefore, the petitioner is to succeed on this ground alone. As regards the other prayer of the petitioner about striking down of para 8 of the Govt. Resolution dated 12.5.1995, it is not pressed at this stage. The petitioner may press that contention, if the same is available to him after the authority passes a fresh order after granting an opportunity of hearing. Only on this short point, the petition is allowed.

2. Impugned order dated 15.10.1996 is quashed and set aside. The orders passed consequent to that order shall be of no effect. However, it is made clear that recovery, if any, already made by the department will not be refunded by the department to the petitioner and the same will be subject to final outcome in

the matter. The authorities will be at liberty to make further recovery only after final adjudication of the matter.

3. The petition is allowed. Rule is made absolute to the above extent only with no order as to costs.