
(2015) 01 GUJ CK 0029

In the Gujarat High Court

Case No : Special Civil Application No. 9218 of 2002

Gujarat State Stenographers" Association	APPELLANT
Vs	
State of Gujarat and Others	RESPONDENT

Date of Decision : 30-01-2015

Acts Referred:

Constitution of India, 1950 — Article 14, 226, 227

Citation : (2015) 01 GUJ CK 0029

Hon'ble Judges : G.B. Shah, J.

Bench : Single Bench

Advocate : B.P. Munshi, for the Appellant; Bharat Vyas, AGP, Advocates for the Respondent

Final Decision : Partly Allowed

Judgement

G.B. Shah, J.—By filing the present petition, the petitioner has sought for the following reliefs:

"(A) That this Hon"ble High Court would be pleased to issue a writ of mandamus and a writ in the nature of mandamus and/or an appropriate writ, order or direction, directing the respondents, their subordinates and officers to allot the residential plots of land at Gandhinagar at concessional rates as laid down in the Government Resolutions dated 29/3/2001 and 27/12/2001 as per Annexures : B and C to this petition as well as the relevant Government Resolutions, if any, in accordance with law and in the interest of justice.

(AA) This Honourable Court would be pleased to kindly quash and set aside the order/letter No. SCA/11.2002/1289/264/R/1 dated 28.11.2002 in the interest of justice.

(B) That this Hon"ble High Court would be pleased to issue a writ of mandamus and a writ in the nature of mandamus and/or an appropriate writ, order or direction, directing to modify and/or interpret the definition of the word "non-transferable officers/employees" as stated in the Government Resolution dated

27/12/2001 Annexure : C to this petition in such a manner and to the effect that the members of the petitioner Association and more particularly the employees as mentioned in the Statement/list Annexure : A to this petition are also eligible and entitled to be allotted the residential plots at concessional rates in terms and conditions of the said Government Resolution Annexure : C to this petition and direct the respondents, their subordinates and officers to admit the members of the petitioner Association to have been included in the definition for availing of the benefits on concessional rates like similarly situated officers/employees of the Sachivalaya and other allied departments/offices in the interest of justice.

(C) xxxx xxxx xxxx

(D) xxxx xxxx xxxx"

2. The facts of the petitioner in brief are that the petitioner is an association of Stenographers serving either as Personal Secretaries or Personal Assistants to different heads of departments at Gandhinagar and continuously rendering their services like other similarly situated Stenographers working in Sachivalaya at Gandinagar.

2.1 The petitioner Association has approached this Court through its General Secretary viz. Ghanshyam D.Solanki, working in the Office of Director, Pension and Provident Fund, Gandhinagar, representing common interest of the members of the association. The present case of all the members of the association is identical and involving similar questions of law. The Stenographers mentioned at Annexure-"A" including the Secretaries are attached, approximately, to 35 heads of the offices situated at Gandhinagar.

2.2 Being aggrieved and dissatisfied with the discriminatory treatment meted out by the respondents in allotment of residential Government plots at concessional rates without public auction in pursuance of the Government Resolutions dated 29.03.2001 and 27.12.2001, this petition is preferred for quashing and setting aside the discriminatory part of the definition of the State Government Resolution dated 27.12.2001 seeking appropriate directions to the respondents to allot the residential plots to the members of the petitioner at concessional rates like similarly situated employees or officers of the Sachivalaya at Gandhinagar in accordance with the terms and conditions set out in the Resolution. Government of Gujarat through respondent No. 2 by way of Government Resolution dated 29.03.2001 after considering the policy framed by the State Government had declared to allot plots at Gandhinagar to non-transferable employees as well as officers of All India Services at concessional rates without public auction to those employees, who have completed not less than five years of continuous service at Gandinagar prior to 31.12.2000.

2.3 As mentioned in the Government Resolution dated 27.12.2001, the Government of Gujarat had appointed a committee of four members namely, (1) Chief Secretary (2) Additional Chief Secretary, Finance Department, (3) Principal Secretary, Revenue Department and (4) Principal Secretary, Roads and Buildings

Department for defining non-transferable officers/employees, who are eligible for allotment of residential plots at Gandhinagar at concessional rates. The said committee had defined or determined officers/employees as non-transferable officers/employees of the cadre of IAS, IPS and IFS etc. The members of the petitioner Association had already forwarded an application in the prescribed form along with necessary documents etc. to the Collector through various heads of the departments.

2.4 Thereafter, recruitment of the Stenographers of various heads of different departments as well as Stenographers of the Sachivalaya are being made under the Recruitment Rules, 1990 and the recruitments of Private Secretaries and Personal Assistants (Grade-I, II and III Stenographers) are also being made either to the Sachivalaya Offices or to various heads of different departments. Duties, functions, conditions of service etc. of the Stenographers working in the Sachivalaya and also in the various heads of different departments are identical and similar in all respects including pay structure etc.

2.5 Stenographers, who are members of the Association (Annexure-"A") are serving at Gandhinagar for more than five years prior to 31.12.2000 and all the members of the petitioner Association are falling within the definition of the aforesaid Government Resolutions and are therefore entitled to allotment of the plots at concessional rates. Stenographers, who are members of the petitioner Association are non-transferable to any other cadre because they are directly associated and connected with their respective heads of the departments, who are top ranking IAS, IPS and IFS Officers etc. and they are also required to work even before office hours and also sometimes called for discharging duties during non-working days and holidays. Their functioning and attachment to the heads of the departments is necessary for smooth running of the administration. In all respects i.e. legally, administratively and practically, they are essential and deemed to be non-transferable like other employees of Sachivalaya and ought to have been included in the definition as referred above for all purposes including that of availing the benefits of allotment of residential plots at Gandhinagar. Since the period 1996-97, although they are making oral representations to all concerned authorities including Hon"ble Ministers of the concerned Departments, they could not get justice from the respondents.

2.6 The Committee formed by the Government of Gujarat for taking policy decision in defining employees/officers seems to be one-sided and biased attempting to give benefit to only high ranking officers and employees of the Sachivalaya and no officers/employees of other similarly situated were given adequate and proper opportunity of hearing before taking appropriate decisions.

2.7 Even though the Judicial Officers, who are being deputed to the Legal Department and are not being considered to be the employees of the State Government because of their temporary position at Sachivalaya, Gandhinagar, are reported to have been allotted the plots at concessional rates and instead of sanctioning of plots to the members of the petitioner Association, they are

denied "equal treatment and equal opportunity".

2.8 When the petitioner Association wrote a letter dated 23.06.1997 to the then Chief Minister of the Gujarat State for allotment of plots, it was replied by respondent No. 2 vide letter dated 25.07.1997 that there is an interim stay of this Court regarding allotment of plots and application will be considered after framing of new policy in this regard. It was further replied vide letter dated 18.02.1998 that at present no policy decision was taken to allot plots to the employees but as and when the policy will be framed, application will be considered. The Secretary to Honourable Chief Minister also replied by letter dated 12.10.1998 that the representation of the petitioner Association dated 24.09.1998 has been duly forwarded to respondent No. 2 for doing needful in the matter. The members of the petitioner Association have made various representations dated 09.01.2001, 19.02.2001, 07.04.2001, 12.11.2001 and 04.01.2002 from time to time to the Government for allotment of plots right from the Hon''ble Chief Minister and the respondents for considering their case in light of the aforesaid Government Resolution, but the respondents have neither paid any heed to their legitimate requests/demand nor have they taken any steps for the same.

2.9 Thereafter, the Hon''ble Minister Shri Chimanbhai Saparia of respondent No. 2 vide letter dated 11.01.2002 addressed to the concerned Minister had recommended that proper action be taken. Even Vice Chairman of the State Planning Commission, Shri Suryakant Acharya, vide letter dated 11.01.2002 had made strong recommendations. The petitioner Association again approached the Hon''ble Chief Minister and respondent No. 2 vide letter dated 23.01.2002, but no action was taken.

2.10 Thereafter, respondent No. 1 vide letter dated 04.02.2002 addressed to all the heads of departments asked to forward application to the Collector, Gandhinagar, pointing out that the representation of the petitioner Association dated 04.01.2002 is under consideration of the Government. In spite of making various representations, no action was taken or any decision was communicated. It is a matter of fact that none of the members of the petitioner Association are ever likely to be posted outside Gandhinagar, which would mean that they have to serve permanently at Gandhinagar. The members of the petitioner Association were shocked and surprised when they came to know that after vacation of stay by this Court and/or Apex Court, the authorities concerned allotted the plots to the members of Legislative Assembly, officers and employees of the Sachivalaya.

2.11 In pursuance of notice issued by this Court, an affidavit-in-reply has been filed on behalf of respondent No. 2 by Shri Laljibhai Devjibhai Patel, Deputy Secretary, on 7-10-2002 contending inter alia that rules regarding recruitment of Private Secretaries (English and Gujarati Stenographers, Grade-I) had been framed by the State Government vide Notification No. GS.90-23/LPK/1186/1957/KH-4 dated 20-3-1990 issued by GAD, Sachivalaya, Gandhinagar, Rule 13 whereof reads as under:

"13. Preference for Departments:

A candidate who desired to be appointed in Secretariat Departments or in the Offices other than Secretariat Departments, shall be required to show his first and second preference for Secretariat Departments or the offices other than Secretariat departments as the case may be, no change in order of preference shall be allowed at any stage after once the application is submitted to Commission. Having regard to his rank in order of merit and the availability of vacancies of English or Gujarati stenographer, Grade-I in the Secretariat Departments or offices other than Secretariat Departments, consideration may be given as far as feasible, to his preference when making appointment by Government. No request for change in allotment of post shall be considered by the Government after the allotment once made."

It was further contended that similar preference relate to recruitment of English and Gujarati Stenographers, Grade-2 and Grade-3 was made under Rule 14-A vide Notification No. GS/93-4/LPK/1091/1619(1)/KH-4 dated 1-2-1994 issued by GAD. It was also contended that members of petitioner Association are employees of heads of Department and their services are transferable whereas services of employees of Sachivalaya are non-transferable and, therefore, members of petitioner Association are not similarly situated with employees of Sachivalaya and hence, are not eligible for allotment of residential plots at concessional rate at Gandhinagar. It was further contended that as per Government Resolution dated 4-4-2001 of Revenue Department, transferable employees of Heads of Department are also eligible for allotment of residential plots as per the option either at their native district or at the district where they are serving and hence, no discrimination was meted out to members of petitioner Association. It was further contended that the definition as to whether an employee is transferrable or non-transferable as per the policy criteria is made vide Resolution dated 27-12-2001 and since members of petitioner Association are not falling under the definition of non-transferable job, they were not considered eligible for allotment of plots at Gandhinagar at concessional rate and any change in the policy was likely to result in allotment of more plots which are unavailable at Gandhinagar.

2.12 An affidavit-in-rejoinder has been filed on behalf of petitioner Association denying the correctness and legality of affidavit-in-reply filed on behalf of respondent No. 2. It was contended that members of petitioner Association are serving under the Heads of Departments as stated in the Statement at Annexure-A after having recruited through Gujarat Public Service Commission by GAD. Similarly, Stenographers serving in Sachivalaya Departments are also being recruited in the same manner and by the same method. It was further contended that earlier there was no option available to such appointees for giving preference to either Heads of Department or Sachivalaya. It was also further contended that most of the members of petitioner Association are promotees who have not been given such preference in the recruitment rules of 1985 and

except names shown at Sr. Nos. 2, 18, 19, 29, 31, 40 and 51, rule of giving preference was not applicable to other members. It was also contended that out of 52 members, 45 members are Stenographers Grade-II while 7 members are Stenographers Grade-I who are promotees. It was also contended that claim of petitioner Association to allot plots at Gandhinagar is based on merits, their tenure of office and service conditions at Gandhinagar. According to them, all the members of the petitioner Association have completed more than five years as on 31-12-2000 and therefore, their demand was valid and legal. Relying on copy of advertisement No. 72 dated 8-1-1992 issued by the Gujarat Public Service Commission, it was contended that no such preference as stated in Rule 13 of Recruitment Rules, 1990 or Rule 14-A of Recruitment Rules, 1985 inserted by notification dated 1-2-1994 are applicable to members of petitioner Association. It was also contended relying on a letter dated 4-2-2002 addressed to Heads of Department by GAD annexed as Annexure-S to the petition that the issue as to whether Stenographers working at Gandhinagar under various Heads of Departments are treated to be transferable or not has not been decided by the Government. It was also contended that the representations of the petitioner starting from 1997 till date are not considered by the respondents. According to them, only a fraction of employees of the State Government like the members of the petitioner Association is denied the benefit.

2.13 Thereafter, an additional affidavit-in-reply has been filed on behalf of respondent No. 2 inter alia contending that a committee, which was constituted in pursuance of representations given by the petitioner Association before the State Government, concluded that members of the petitioner Association are transferable to other parts of the State and since they are not non-transferable, they could not be extended the benefit of Government Resolutions dated 29-3-2001 and 27-12-2001 formulated for the benefit of non-transferable employees working in Gandhinagar. It was further contended that when Gandhinagar was set up as a new capital of Gujarat Government, efforts were made to give incentives to people to settle down in Gandhinagar for its rapid development and as a part of the same, Government announced liberal policy of allotting residential plots to the non-transferable employees at concessional rate at Gandhinagar in 1969 which was modified vide Government Resolution dated 20-11-1979 in pursuance of which, 25% of the saleable plots were earmarked for residential purposes in Sector Nos. 6, 7, 8, 12 and 13. Thereafter, pursuant to applications received from non-transferable employees, vide Government Resolution dated 3-4-1981, flats were constructed through Housing Board for allotment to non-transferable employees and thereafter plots admeasuring 40 sq.mtrs. and 60 sq.mtrs were decided to be offered vide Government Resolution dated 29-8-1984 which was increased to 81 sq.mtrs to non-transferable employees of State Government vide Government Resolution dated 9-11-1987 and ultimately 1100 employees were allotted plots according to their eligibility. It was also contended that this Court is required to keep in mind the availability of plots to cater to the demands of employees. Further, when a public interest

litigation being Special Civil Application No. 13550 of 2000 was filed before this Court, certain interim directions were given by this Court which was challenged before the Hon"ble Apex Court by way of SLP No. 8726-8728 of 2001 and the Hon"ble Apex ordered to dispose of the petition expeditiously by staying the interim directions issued by this Court. As regards benefit given to All India Service Officers vide Government Resolutions dated 29-3-2001 and 27-12-2001, it was contended that benefit of those Government Resolutions were given as they are covered under Government Resolution dated 4-4-2001 applicable to transferable employees to allot plot either at service place or at native place as they hail from other states especially when they have spent almost 25 years in Gandhinagar out of their total service of 35 years. It was also contended that most of the IAS officers hail from other states, who do not have native place in Gujarat and since their posting would not be in a district, they cannot opt a place of posting and therefore, they constitute a separate category altogether and would not be appropriate to put them in "transferable employees" and hence, their allotment was neither illogical or discriminatory. It was therefore contended that their case cannot be compared with Government employees in the districts, who have the option to get the plot either at their native place or at their place of posting excluding Gandhinagar Town. It was also contended that another reason for non-allotment was that some of the allottees have sold out their plots after constructing houses thereon and hence, if transferable employees are granted plots, they would also do the same defeating the very purpose behind allotment of plots at Gandhinagar.

2.14 An affidavit-in-sur-rejoinder was filed on behalf of petitioner Association reiterating the averments made in affidavit-in-rejoinder. It was further contended that the petitioner Association is entitled to invoke the original and inherent jurisdiction of this High Court under Articles 226 and 227 of the Constitution of India. In this connection, reliance was placed on the decisions of E.P. Royappa Vs. State of Tamil Nadu and Another, and Kasturi Lal Lakshmi Reddy, Represented by its Partner Shri Kasturi Lal, Jammu and Others Vs. State of Jammu and Kashmir and Another, . It was also contended that the members of petitioner Association are non-transferable employees as, from the very beginning of their career, they have been rendering their services at Gandhinagar. In this regard, reliance was placed on a list published by GAD on 18-11-1992 whereby common list was prepared indicating the Departments of Sachivalaya at Sr. No. 1 and rest of offices from Sr. Nos. 2 to 109. It was also contended that issuance of Government Resolution dated 4-4-2001 was an eye wash as some considerations made applicable to IAS and IPS cadres were not made applicable to members of petitioner Association. It was further contended that members of petitioner Association are covered by Government Resolutions dated 29-3-2001 and 27-12-2001 and if plots are allotted to them at concessional rate, no much area would be required as it would cover only 4,680 sq.mtrs.

2.15 Thereafter, in pursuance of an order dated 5-2-2014 passed by this Court

directing the concerned official of the respondents to file an affidavit, an additional affidavit was filed on behalf of the respondent No. 2 stating that the respondents have complied with the order dated 2-11-2012 passed by the Hon''ble Apex Court in Special Leave to Appeal (Civil) No. 896 of 2012 and have not allotted any plot of land in the City of Gandhinagar excepting the four sale/transfer which was permitted by the Hon''ble Court.

2.16 Pursuant thereto, second affidavit-in-sur-rejoinder was filed by the petitioner Association stating that it was stated by the respondent No. 2 in the second affidavit-in-reply that "the Government has framed a new policy for allotment of plots at Gandhinagar", however no clarification or true and correct facts were made before this Court. It was also contended that Special Leave Petition No. 896 of 2012 arising out of Special Civil Application No. 13550 of 2000 is relating to facilities given to Members of Parliament and MLAs and has no direct or indirect connection with Government Resolutions dated 29-3-2001 and 27-12-2001.

2.17 Thereafter, an additional affidavit-in-reply was filed on behalf of respondent No. 2 annexing copy of the order dated 2-11-2012 passed by the Hon''ble Apex Court in Special Leave to Appeal (Civil) No. 896 of 2012 by contending that the petitioner Association has wrongly interpreted the stay order dated 2-11-2012 passed by the Hon''ble Apex Court in Special Leave to Appeal (Civil) No. 896 of 2012. It was contended that status quo operated against entire policy for allotment of land at Gandhinagar and not qua allotment of land to MPs and MLAs. It was therefore submitted that demand of the petitioner Association was inadmissible as their services are transferable but are entitled to get the plot at land at concessional rate as per the Government Resolution dated 4-4-2001 at their native place of district or at the districts in which they are serving.

3. Heard learned advocate, Mr. B.P. Munshi, for the petitioner Association and learned Asstt. Government Pleader, Mr. Bharat Vyas for the respondents and also considered the affidavits filed on behalf of the respective parties.

4. Learned advocate, Mr. B.P. Munshi, submitted that members of the petitioner Association and employees of Sachivalaya were appointed by one and the same authority i.e. Gujarat Public Service Commission by a common examination. He submitted that some of the employees were appointed in Sachivalaya Offices while others were appointed in non-Sachivalaya Offices as per the vacancies existed at the time of appointment and entire exercise was done on the basis of availability of vacancies and therefore, denying the benefit of allotment of plots at concessional rate at Gandhinagar to the members of petitioner Association is discriminatory and illegal. He further submitted that service rules and conditions of employees working in Sachivalaya and that of petitioner Association are governed by the same Government Regulations dated 29-3-2001 and 27-12-2001 and there was no preference available to them at the time of their appointment to give option to work either at Sachivalaya office or non-Sachivalaya offices. According to him, services of members of the petitioner

Association are non-transferable as they are directly associated with their respective heads of departments who are top ranking IAS, IPS and IFS Officers having required to work before and after office hours as well as during non-working holidays and therefore, they are required to be treated at par with employees working at Sachivalaya. However, definition given by the Committee formed by the Government of Gujarat about services of a particular employee being transferable or non-transferable for allotment of plots are biased. He also submitted that Government Resolution dated 4-4-2001 was given effect to the IAS, IPS and IFS but members of petitioner Association are not given effect to said Government Resolution and hence, said resolution dated 4-4-2001 is only an eye wash. In this connection, he relied on the following decisions of Hon''ble Apex Court:

- i) Kasturi Lal Lakshmi Reddy, Represented by its Partner Shri Kasturi Lal, Jammu and Others Vs. State of Jammu and Kashmir and Another, ,
- ii) E.P. Royappa Vs. State of Tamil Nadu and Another, ;
- iii) D.S. Nakara and Others Vs. Union of India (UOI), ;
- iv) Ramana Dayaram Shetty Vs. International Airport Authority of India and Others, ;
- v) Ajay Hasia and Others Vs. Khalid Mujib Sehravardi and Others, ; and
- vi) T.R.S. Nair Vs. State of Gujarat and Another,

4.1 He also submitted that Special Leave Petition No. 896 of 2012 arising out of Special Civil Application No. 13550 of 2000 wherein stay granted against allotment of plots at Gandhinagar is pertaining to plots given to MPs and MLAs and since it has no connection with Government Resolutions dated 29-3-2001 and 27-12-2001, there is no bar in allotting plots to the members of petitioner at Gandhinagar at concessional rate and therefore, he prayed to allow this petition by ordering to allot plots to members of petitioner Association at concessional rate at Gandhinagar.

5. Learned AGP, Mr. Bharat Vyas for the respondents, drawing attention of this Court towards Rule 13 of the rules regarding recruitment of Private Secretaries (English and Gujarati Stenographers, Grade-I) framed by the State Government vide Notification No. GS.90-23/LPK/1186/1957/KH-4 dated 20-3-1990 issued by GAD, Sachivalaya, Gandhinagar and Rule 14-A of the Rules relating to recruitment of English and Gujarati Stenographers, Grade-2 and Grade-3 framed by the State Government vide Notification No. GS/93-4/LPK/1091/1619(1)/KH-4 dated 1-2-1994 issued by GAD, submitted that as and when a candidate is desired to be appointed in Secretariat Departments or in the Offices other than Secretariat Departments, he/she shall have to show his first and second preference for Secretariat Departments or the offices other than Secretariat departments and no change will be permitted thereafter. He further submitted that members of petitioner Association are working with Heads of Department

and their services are transferable whereas services of employees of Sachivalaya are non-transferable and, therefore, members of petitioner Association are not similarly situated with employees of Sachivalaya and hence, are not eligible for allotment of residential plots at concessional rate at Gandhinagar. He further submitted that members of petitioner Association are also eligible for allotment of residential plots as per Government Resolution dated 4-4-2001 either at their native district or at the district of posting. He further submitted that as per the policy, members of petitioner Association are not falling within the definition of non-transferable job and therefore, they were not considered for allotment of plots at Gandhinagar at concessional rate. He also submitted that any deviation in the policy would consequently result in allotment of more plots which are unavailable at Gandhinagar and hence, cases of petitioner Association cannot be considered. He also submitted that in view of stay granted against allotment of plot at Gandhinagar vide order passed in Special Leave Petition No. 896 of 2012 which is arising out of Special Civil Application No. 13550 of 2000, no allotment can be made to members of petitioner Association at Gandhinagar. Further, as services of members of petitioner Association are transferable to anywhere in Gujarat, effect of Government Resolutions dated 29-3-2001 and 27-12-2001 cannot be given effect to petitioner union and members of petitioner Association cannot be compared at par with employees of Sachivalaya. Drawing attention of this Court towards a common oral order dated 17-2-2014 rendered in a group of petitions namely Special Civil Application No. 13412 of 2013 with Special Civil Application No. 12601 of 2013 with Special Civil Application No. 14749 of 2013 by a learned Single Judge of this Court, he submitted that similar petitions made by employees of High Court of Gujarat against non-allotment of plots at Vasantnagar Township, Ahmedabad or any other place in the near vicinity of the High Court were rejected. Since cases of the petitioners are squarely covered by the said decision rendered by this Court, he urged to reject this petition.

6. This Court has considered the rival submissions made by learned advocates appearing on behalf of the respective parties. This Court has also considered the ratio laid down in the decisions relied on by the learned advocate for the petitioner.

7. It is pertinent to note that in pursuance of Government Resolutions dated 29-3-2001 and 27-12-2001, plots were allotted to employees working in Gandhinagar, who have completed five years of service as on 31-12-2000. Similar benefits were extended to Officers of All India Service as well as Judicial Officers, who are deputed to the Legal Department and who are not considered as employees of State Government. However, those benefits were not extended to members of petitioner Association on the ground that they are not working at Sachivalaya and are transferable although they have completed five years of continuous service at Gandhinagar as on 31-12-2000. It may be noted at this juncture that Officers of All India Services are subjected to transfer outside Gujarat State, however, they have been extended the benefits of allotment of plots at concessional rate. Likewise, Judicial Officers, who are posted on

deputation to Legal Department, were also transferable to anywhere in Gujarat on completion of their deputation period. The respondents were unable to show any satisfactory and convincing reasons as to why the benefits of those Government Resolutions could not be extended to members of petitioner Association even though they have been working at Gandhinagar. It has been submitted by the learned advocate appearing for the petitioner Association that the action of the State Government in denying the benefit of the plots, in issue, is violative of Article 14 of constitution of India and there appears force and substance in it for the reasons mentioned hereinabove. Representations made to the State Government from time to time were not considered for the reasons that their services were transferable. However, it is reported that none of the members of petitioner Association are ever likely to be posted outside Gandhinagar. In view of the above, without going into the issue as to whether the employees of the petitioner are transferable or not, this Court is of the opinion that as benefits of Government Resolutions dated 29-3-2001 and 27-12-2001 were extended to officers of All India Cadres and Judicial Officers, those benefits are also required to be extended to members of petitioner Association, who are working at Gandhinagar and who have completed five years of service as on 31-12-2000.

8. In view of the above, the respondents are directed to allot residential plots of land at Gandhinagar at concessional rates as per Government Resolutions dated 29-3-2001 and 27-12-2001 to members of petitioner Association, who are working at Gandhinagar and who have completed five years of service as on 31-12-2000. This petition is accordingly partly allowed. Rule is made absolute to the aforesaid extent. It is desirable to clarify that as stay appears to have been granted by the Hon''ble Apex Court against allotment of plots at Gandhinagar to MPs and MLAs and as it does not appear to have any connection with Government Resolutions dated 29-3-2001 and 27-12-2001, prima facie there appears no bar in allotting plots to the members of petitioner Association at Gandhinagar, however, it is desirable to allot such plots after the issue before the Hon''ble Apex Court referred above attains its finality.