

(2020) 12 GUJ CK 0023
In the Gujarat High Court

Case No : ?R/Special Civil Application No. 15007 Of 2020

Hansaben Maganlal Vyas

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 10-12-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 12 GUJ CK 0023

Hon'ble Judges : Ashutosh J. Shastri, J

Bench : Single Bench

Advocate : Zalak B Pipalia, Megha Chitaliya

Final Decision : Disposed Of

Judgement

Ashutosh J. Shastri, J

1. The present petition under Article 226 of the Constitution of India is filed for the purpose of seeking following reliefs :

â??A. YOUR LORDSHIPS may be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order

or direction directing the Respondents herein to grant the benefits of First and Second Higher Pay-Scale to the Petitioner herein considering his date of

joining of service along with all other consequential benefits and arrears with 15% interest per annum in the interest of justice;

(B) Pending hearing and final disposal of the present petition, YOUR LORDSHIP may be pleased to grant the interim relief directing the Respondents

to grant the benefits of First and Second Higher Pay-Scale to the Petitioner herein considering his date of joining of service.

(C) An ex-parte ad interim relief in terms of paragraph 14(B) above may kindly be granted.

(D) Any other and further reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.â??

2. During the course of submission, Ms.Megha Chitaliya, learned Assistant Government Pleader, has pointed out that the petitioner is having an

alternative efficacious remedy to file application before the Gujarat Civil Services Tribunal and as such, with a view to give an opportunity to get

proper instructions, Mr.Zalak Pipaliya, learned advocate, was granted time.

3. Today, when the matter is taken up for hearing, Mr.Zalak Pipaliya,learned advocate for the petitioner, has candidly submitted that the petitioner has

alternative remedy of preferring an application before the Gujarat Civil Services Tribunal, to which the petitioner would like to avail that remedy.

However, learned advocate has pointed out that the petitioner may be permitted to point out the relevant decisions on the issue of delay and the same

may be considered by the Gujarat Civil Services Tribunal in the right spirit and would like to withdraw the petition, under the instructions.

4. Having heard the learned advocates appearing for the respective parties and having gone through the submissions, since the alternative remedy is

available to the petitioner, the petitioner is permitted to approach the Gujarat Civil Services Tribunal by way of an appeal / application.

5. As and when such application is submitted, preferably within a period of 2 weeks from today, the same may be considered by the Tribunal in

accordance with law on merit.

6. It is needless to say that it is open for the petitioner to point out all relevant decisions on the issue on which the petitioner is discarded the relief.

7. It is made clear that the Court has not expressed any opinion on merit since the Gujarat Civil Services Tribunal is to be approached by the

petitioner.

8. Looking to the present controversy and in view of the age of the petitioner, it is expected that as and when such application is preferred by the

petitioner before the Gujarat Civil Services Tribunal, the Gujarat Civil Services Tribunal shall give priority to the same and decide the same as

expeditiously as possible.

9. With these observations, the present petition stands disposed of as withdrawn.