

(2020) 07 GUJ CK 0128

In the Gujarat High Court

Case No : R/Special Civil Application No. 8883 Of 2020

Madhubhai Nanabhai Patel

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 31-07-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 07 GUJ CK 0128

Hon'ble Judges : Biren Vaishnav, J

Bench : Single Bench

Advocate : Krishnan M Ghavariya, Divyangna Jhala

Judgement

Biren Vaishnav, J

1. Heard Mr.Krishnan Ghavariya, learned advocate for the petitioner and Ms.Divyangna Jhala, learned Assistant Government Pleader, for the respondent - State.

2. The petitioner has prayed for a direction that he be granted the benefits of the Resolution dated 17.10.1988. It is the case of the petitioner that, he is working as a daily rated watchman from 14.11.1984. It is in this context that he has prayed for the relief for being extended the benefits of the Government Resolution dated 17.10.1988.

3. Mr.Ghevariya, learned advocate for the petitioner, places reliance on an order passed by this Court in Special Civil Application No. 7745 of 2020 dated 25.06.2020, wherein, the Court passed the following order:

Heard Mr. Murali Devnani, learned advocate for the petitioners and Mr. Ishaan Joshi, learned AGP through video conferencing.

In this petition under Article 226 of the Constitution of India, the petitioners have

prayed that they may be granted the benefits of the government

resolution dated 17.10.1988. The grievance of the petitioners is that they have been working with the respondents for several years. Mr.Devnani,

learned advocate appearing for the petitioners has placed on record a communication dated 03.02.2020 filed by the petitioners.

Having heard learned advocates and having gone through the materials on record, in addition to the representation dated 03.02.2020, the petitioners

shall present a copy of this petition to the respondents which shall also be considered as latest representation. The same shall be done within a period

of one week from the date of receipt of the copy of this order. The respondents shall thereafter take a decision on the question of entitlement of the

petitioners to the benefits of the resolution dated 17.10.1988 in accordance with the decision of the Apex Court rendered in the case of The State of

Gujarat vs. PWD and Forest Employees Union reported in 2019 (3) SCALE 642. Such a decision shall be taken by the respondents within a period of

six weeks from the date of receipt of such representation/copy of this petition. On receipt of such representations, the competent authority shall

forward all the resources to the appropriate decision making authority as expeditiously as possible so as to enable the authority to take a decision

within the time frame as stipulated by this court.

It is clarified that in the event the representation is decided in favour of the petitioners, the respondents shall extend the benefits to the petitioners as

expeditiously as possible.

With the above observations, petition is disposed of.â??

4. Considering the fact that the issue is no longer res-integra in view of the decision of the Supreme Court in the case of State of Gujarat vs. PWD &

Various Employees Union., reported in 2019 (3) Scale 642, the respondents are directed to consider the present copy of the petition as a

representation. The petitioner shall file a copy of the petition and send the same to the respondents within a week from today. The respondents shall

thereafter, take a decision on the question of entitlement of the petitioner in accordance with the decision of P.W.D (supra). Such a decision shall be

taken within a period of six weeks from the date of receipt of such representation.

It is clarified that, in the event the representation is decided in favour of the petitioner, the respondents shall, as expeditiously as possible, extend the

benefits of the Government Resolution dated 17.10.1988 to the petitioner. With the aforesaid observations, the petition is disposed of. The Registry to communicate the order through E- mail.