

(2008) 12 GUJ CK 0049

In the Gujarat High Court

Case No : Letters Patent Appeal No. 1346 of 2008 in Special Civil Application No. 13391 of 2007 and Civil Application No. 13192 of 2008 in Letters Patent Appeal No. 1346 of 2008 in Special Civil Application No. 13391 of 2007

Nitinsinh Parbatsinh Raol

APPELLANT

Vs

State of Gujarat and Others

RESPONDENT

Date of Decision : 11-12-2008

Acts Referred:

Citation : (2008) 12 GUJ CK 0049

Hon'ble Judges : R.M. Doshit, J;K.M. Thaker, J

Bench : Division Bench

Advocate : Gunvant R. Thakar, for the Appellant; Trusha Patel, Asst. Government Pleader for Respondent 1, for the Respondent

Final Decision : Dismissed

Judgement

R.M. Doshit, J.—Heard the learned advocates.

2. The appellant, a peon-cum-driver, appointed under the Mamlatdar, Mansa has preferred the present appeal under Clause 15 of the Letters Patent against the judgment and order dated 4th December, 2007 passed by the learned Single Judge in above Special Civil Application No. 13391 of 2007.

3. In the year 1998, on creation of a post of Mamlatdar, Mansa, District: Gandhinagar, a post of peon-cum-driver was sanctioned. However, as no appointment of peon-cum-driver was made, the Mamlatdar proposed to appoint the appellant as peon-cum-driver on temporary basis. Pursuant to the said proposal, by order dated 12th October, 1998, made by the District Collector, Gandhinagar, the appellant was appointed as peon-cum-driver on the terms and conditions contained in the order. The said appointment was made temporarily, by stop gap arrangement, on daily wages. The employment was terminable without notice. Apprehending termination of his service, the appellant

approached this Court in Special Civil Application No. 2794 of 2000.

4. Pending the petition service of the appellant was protected. By judgment and order dated 25th July, 2005 passed by this Court [Coram: Mr. K.S. Jhaveri, J.] the said petition was allowed with the direction that, "the respondent authority is directed not to relieve the petitioner from his duties till a regular appointment is done on the said post." Since the said order, by order dated 14th May, 2007, made by the Resident Deputy Collector, one Shri H.C. Thaker, a peon-cum-driver, has been appointed on the post sanctioned in the office of the Mamlatdar, Mansa by transfer. In view of the said appointment of said Shri H.C.Thaker, the service of the appellant has been terminated.

5. Feeling aggrieved, the appellant preferred the above Special Civil Application No. 13391 of 2007. The learned Single Judge has dismissed the petition. Therefore, the present appeal.

6. It is admitted that the appointment of the appellant was made temporarily, by local arrangement, without following due procedure. The said appointment did not confer right to employment upon the appellant. The service of the appellant has been terminated in consonance with the terms and conditions of his appointment.

7. No case for interference is made out. The appeal is dismissed in limine. Civil Application stands disposed of.