

(2014) 02 GUJ CK 0143
In the Gujarat High Court

Case No : Letters Patent Appeal No. 325 of 1995 in Special Civil Application No. 4197 of 1995

P.K. Khaliyani

APPELLANT

Vs

S. Jagdishan

RESPONDENT

Date of Decision : 25-02-2014

Acts Referred:

Citation : (2014) 02 GUJ CK 0143

Hon'ble Judges : K.S. Jhaveri, J;Abdullah Gulamahmed Uraizee, J

Bench : Division Bench

Advocate : Prakash K. Jani, Advocate for Appellant No. 1, Advocate for the Appellant; K.K. Pujara, AGP for Respondent No. 1, Advocate for the Respondent

Final Decision : Dismissed

Judgement

K.S. Jhaveri, J.—We have heard learned advocates for the parties.

2. This intra-court Letters Patent Appeal has been filed challenging the order dated 01.06.1995 passed by the learned Single Judge in Special Civil Application No. 4197 of 1995 whereby the learned Single Judge has dismissed the writ petition. The original petitioner in the writ petition had challenged the impugned suspension order bearing No. 293/95 dated 26.04.1995.

3. Mr. Jani, learned advocate appearing for the appellant submitted that the learned Single Judge ought to have appreciated that the object of passing the order was not in existence at the relevant time. He submitted that the learned Single Judge ought to have appreciated that in a given case transfer and suspension could not have been resorted to at the same time.

4. We have heard learned advocates for the parties. The learned Single Judge while passing the impugned order has relied upon a decision in the case of J.V. Puwar and Others Vs. State of Gujarat and Others, , wherein this Court has observed that a government servant who is alleged to be corrupt cannot be trusted in service and must be suspended and that possibility of indulging into

similar activities elsewhere is one of the consideration where even after transfer, suspension is intended as per the guidelines and even as per the judgment of the Division Bench. We are in complete agreement with the impugned order passed by the learned Single Judge. Moreover, almost 19 years have passed by pursuant to the impugned suspension order as well as order passed by learned Single Judge. The order of the learned Single Judge does not reveal any infirmity and therefore we are not inclined to accept any contention raised in the present appeal.

5. Accordingly, the appeal being devoid of any merits is hereby dismissed. No costs.