

(2021) 07 GUJ CK 0050

In the Gujarat High Court

Case No : R/Misc. Civil Application No. 294, 346, 349, 350 Of 2020 In R/Special Civil Application No. 20185, 20582 Of 2018, 5936, 9202 Of 2019

Rashmikant Pravinlal Vyas

APPELLANT

Vs

Anju Sharma, IAS

RESPONDENT

Date of Decision : 30-07-2021

Acts Referred:

Citation : (2021) 07 GUJ CK 0050

Hon'ble Judges : A.J.Desai, J;Dr. A. P. Thaker, J

Bench : Division Bench

Advocate : Vaibhav A Vyas, Vrunda Shah

Final Decision : Disposed Of

Judgement

A.J.Desai, J

1. All these application are filed under the Contempt of Courts Act, 1971 for willful disobedience of the directions given by this Court of granting

pension and other retiral benefits to the applicants.

2. Ms.Vrunda Shah, learned Assistant Government Pleader appearing for the respondents state that the order in question is partly complied with and

the amount of gratuity and leave encashment has already been deposited with the registry of this High Court. She further states that the State

authority is under contemplation of filing Special Leave Petition before the Hon'ble Supreme Court against the order passed by learned Single Judge.

She, therefore, requests for time to fully comply with the order and to finalize the pension of the applicants.

3. On the other hand, Mr.Vyas, learned advocate for the applicants has opposed this request and would submit that order of learned Single Judge

dated 18.10.2019 came to be challenged by the State authorities by filing Letters Patent Appeal, which came to be dismissed on 23.10.2020. He, therefore, would submit that appropriate orders may be passed.

4. Ms.Shah, learned AGP, under the instructions of Ms.Maulika Shah, Deputy Secretary, Education Department, State of Gujarat, states that though affidavit was filed initially that they are not going to challenge the decision of this Court before the Honourable Apex Court, as per the opinion of the Legal Department, the State authorities have decided to file Special Leave Petition.

5. Having heard learned advocates for the parties and considering the fact that the appeal filed by the State against the order of learned Single Judge is rejected on 23.10.2020, In our opinion, the aforesaid reason is not a valid reason for not complying with the order. Hence, we pass following order:-

â??The amount of gratuity and leave encashment, which is already deposited with the registry of this Court, is hereby directed to be transferred to the bank account of the applicants through RTGS, after proper verification. For the said purpose, the applicants are directed to submit their bank account details with the Registry of this Court. The respondents may move Special Leave Petition and try to get appropriate order of stay against the implementation of the impugned orders. In absence of any stay order within a period of six weeks from today, the respondents shall comply with the rest of the order and finalize the pension of the applicants. If the order is not complied with, strict action shall be taken against the erring officer.

6. With the above directions, this application is disposed of. Notice is discharged. It would be open for the applicants to revive these applications in case of need.