

(2022) 01 GUJ CK 0010
In the Gujarat High Court

Case No : R/Special Civil Application No. 2365 Of 2021

Sarmanbhai Meramanbhai Chhelana

APPELLANT

Vs

Horticulture Officer

RESPONDENT

Date of Decision : 04-01-2022

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2022) 01 GUJ CK 0010

Hon'ble Judges : Biren Vaishnav, J

Bench : Single Bench

Advocate : Krutarth K Pandya, Surbhi Bhati

Final Decision : Disposed Of

Judgement

Biren Vaishnav, J

1. Heard Mr.Krutarth Pandya learned advocate for the petitioner and Ms.Surbhi Bhati learned AGP for the respondent State.

2. In this petition under Article 226 of the Constitution of India, the prayer of the petitioner is that the respondents be directed to grant the benefits of

the Government Resolution dated 17.10.1988. The case of the petitioner is that the petitioners were working as agricultural laborers since 1992 and

1995 respectively. Details of which are given in para 3.4 of the petition. The case of the petitioners is that they were terminated from their services on

23.10.2003. They filed reference before the Labour Court. The Labour Court by a judgment and award dated 30.11.2021 allowed the reference and

directed the reinstatement of the petitioners together with continuity of service.

3. Mr.Pandya would submit that by virtue of the decision of the Labour Court when the benefit of continuity of service was granted, the petitioners

are entitled to the benefit of the resolution dated 17.10.1988 and the subsequent resolutions of the Government. Reliance is placed by learned counsel

for the petitioner on the decisions of this Court in case of Balubha Ashabhai Manek v. Gujarat Water Supply and Sewarage Board reported in 2020

JX (Guj) 246, in case of Hirabhai Nanabhai Bhoi v. State of Gujarat rendered in Special Civil Application No.9159 OF 2020 and a decision in case of

State of Gujarat v. PWD and Forest Employees Union reported in 2019 (15) SCC 248.

4. Having heard learned counsel for the respective parties, this Court deems it fit at this stage to direct the respondents to take a decision on the

question of petitioners' entitlement on the resolution dated 17.10.1988 in light of the decisions relied upon and referred to herein above within a

period of six weeks from the date of receipt of copy of this order.

5. Petition is disposed of in above terms. Direct service is permitted.