

**(2011) 05 GUJ CK 0083**

**In the Gujarat High Court**

**Case No :** Letters Patent Appeal No. 666 of 2011 in Special Civil Application No. 3322 of 1995 and Civil Application No. 4895 of 2011 in Letters Patent Appeal No. 666 of 2011

State of Gujarat and Others

APPELLANT

Vs

S.R. Williams and Others

RESPONDENT

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**Date of Decision :** 06-05-2011

**Acts Referred:**

**Citation :** (2011) 05 GUJ CK 0083

**Hon'ble Judges :** V.M. Sahai, J;G.B. Shah, J

**Bench :** Division Bench

**Advocate :** N.J. Shah, Asstt. Government Pleaders 1-4, for the Appellant; Vilas G. Goswamy, for Respondent 1, for the Respondent

**Final Decision :** Allowed

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## **Judgement**

V.M. Sahai, J.—We have heard the learned AGP Mr. N.J. Shah for the Appellants and learned Counsel Mr Vilas G Goswamy for the

Respondent No. 1.

2. Admit. Mr. Vilas Goswamy, learned Counsel waives service of notice of admission for the Respondent No. 1. By consent of the learned

Counsel for the parties, the matter is taken up for final hearing.

3. Learned AGP has urged that the higher pay scale was wrongly given to the Respondents and by order dated 18.4.1995, the higher pay scale

granted to the Respondents had been withdrawn.

4. We have gone through the order dated 18.4.1995. We do not find that prior to passing of the order any opportunity of hearing was afforded by

the Appellants to the Respondents. Therefore, the impugned order being in violation of principles of natural justice, cannot be maintained. The

order of the learned Single Judge dated 22.4.2010 cannot be maintained as the learned Single Judge has not considered this question.

5. For the aforesaid reasons, this appeal succeeds and is allowed. The common order dated 22.4.2010 passed by the learned Single Judge in

Special Civil Applications No. 3322 of 1995 and Special Civil Application No. 6842 of 1994 is set aside. The matter is remanded to the

concerned authority to take a fresh decision in accordance with law after affording an opportunity of hearing to the Respondents and the

concerned authority shall also consider if there is any Resolution prior to 1983 or thereafter which authorises the Appellants for granting of higher

pay scale after completion of nine years to the Respondents. This order shall be complied by the concerned authority within a period of four

months from the date of receipt of copy of this order.