

(1997) 05 GUJ CK 0013

In the Gujarat High Court

Case No : Special Civil Application No. 3114 of 1984

Vikramsinh B. Zala and Others

APPELLANT

Vs

The State of Gujarat and Others

RESPONDENT

Date of Decision : 09-05-1997

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (1997) 05 GUJ CK 0013

Hon'ble Judges : S.K. Keshote, J

Bench : Single Bench

Advocate : S.M. Shah, for the Appellant; None, for the Respondent

Judgement

S.K. Keshote, J.—The petitioners, in all 11, filed this Special Civil Application and challenge has been made to the policy of respondents of terminating the services of peons in the office of the District Land Records Officer during the period of monsoon for four months every year, as violative of Articles 14 & 16 of the Constitution of India.

2. This petition has come up for admission before this Court on 25th June 1984, on which date notice was issued to respondents pending admission and ad-interim relief in terms of para 13(b) has been granted. The prayer for interim relief made in Special Civil Application reads as under:

"Pending hearing and final disposal of this petition, the respondents may be restrained from terminating the services of the petitioners for the period of monsoon in the year by issuing orders like Annexure `A" or any other orders, in any year."

3. The petitioners have been appointed in the Department of Land Records and their services were terminated during monsoon season, but for years together they are working and as such, what the learned counsel for the petitioners contended that at some reasonable time their services has to be regularized. However, both the learned counsel for the parties are in agreement that this writ

petition may be disposed of in terms in which this Court has disposed of two Special Civil Applications, namely Special Civil Application No.3005 of 1983 and Special Civil Application No.3135 of 1984, which were identical cases. In view of the aforesaid statement made by the counsel for the parties, this petition is disposed of in terms that the case of the petitioners, except petitioner No.2 whose name has been struck off, shall be considered by respondent, for regularization of their services as it has been done in case of other similar situated persons like petitioner No.2. This exercise has to be undertaken by the respondent within a period of three months from the date of receipt of certified copy of this order, and in case the petitioners cannot be made permanent in service, then a reasoned order may be passed and a copy of the same may be sent to the concerned petitioners by registered post. Interim relief which has been granted by this Court shall continue till this exercise is undertaken by the respondent. In case the petitioners are made permanent in employment, then they shall be entitled for all consequential benefits arising therefrom. Rule is made absolute in the aforesaid terms with no order as to costs.