

(2014) 06 GUJ CK 0033

In the Gujarat High Court

Case No : Letters Patent Appeal No. 67 of 2014 in Special Civil Application No. 12012 of 2012 and Civil Application No. 558 of 2014 in Letters Patent Appeal No. 67 of 2014

Viren Gunvantrai Joshi

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 12-06-2014

Acts Referred:

Citation : (2014) 06 GUJ CK 0033

Hon'ble Judges : V.M. Sahai, J;R.P. Dholaria, J

Bench : Division Bench

Advocate : Biren A. Vaishnav, Advocate for Appellant No. 1, Advocate for the Appellant; Harsheel Shukla, AGP for Respondent No. 1, Advocate for the Respondent

Final Decision : Dismissed

Judgement

V.M. Sahai, J.—We have heard learned counsel Mr. Biren Vaishnav appearing for the appellant and learned AGP Mr. Harsheel Shukla for Respondent No. 1.

2. Learned counsel for the appellant states that the petitioner's father was an employee of Respondent No. 2 as Vaccinator Supervisor, and he died in harness on 20.06.2004, and petitioner has preferred an application on 05.07.2004 for compassionate appointment, which was rejected on 15.07.2008 on the ground that the petitioner's family was receiving family pension of Rs. 4,610/-, and the amount of Rs. 6,19,569/- have been received by the petitioner's family towards the amount dues to the deceased.

3. In view of the law laid down in the case of State Bank of India and Another Vs. Raj Kumar, and Local Administration Department and Another Vs. M. Selvanayagam @ Kumaravelu, , the controversy involved in this Appeal is squarely covered by the aforesaid decision of the Apex Court.

4. We do not enter into the question as to whether the subsequent application

filed by the petitioner in the year 2008 was maintainable or the petitioner was entitled to any relief which has been rejected in the year 2011 in view of the fact that the family was receiving family pension and substantial amount was received after the death of the deceased.

5. Hence, we do not find any merit in this Appeal. This Appeal fails and is dismissed accordingly. Notice is discharged. In view of disposal of main Appeal, Civil Application does not survive and is disposed of.