

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 180 of 2020

In R/SPECIAL CIVIL APPLICATION/5214/2004

**With
CIVIL APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2020
In R/LETTERS PATENT APPEAL NO. 180 of 2020**

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DISTRICT DEVELOPMENT OFFICER & ANR.

Versus

VIKRAMSINH P PARMAR

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Appearance:

MR KAMLESH S KOTAI(6150) for the Appellant(s) No. 1,2

MR BHARAT T RAO(697) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**

and

HONOURABLE MR.JUSTICE J. L. ODEDRA

Date : 10/08/2026

JUDGMENT

(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

(1) A charge-sheet was laid against the respondent containing two charges. After an inquiry, a report was submitted that only one charge, i.e., the charge of making an unauthorized entry in the name of the respondent in the records, had been proved. And the other charge, i.e., the charge not calling for objections about the passing of a resolution, had not been proved.

(2) The Disciplinary Authority, i.e., the Deputy District Development Officer, consulted the Gujarat Panchayat Service

Selection Board for imposing the punishment of stoppage of two increments without future effect, which was a minor penalty. However, the Gujarat Panchayat Service Selection Board did not accept the said recommendation and suggested the imposition of a major penalty.

(3) The Deputy District Development Officer accordingly made one more recommendation for imposing the minor punishment of stoppage of four increments. This suggestion was also not accepted by the Gujarat Panchayat Service Selection Board, and the Board recommended that the respondent be dismissed from service. Acting upon the said advice, the Disciplinary Authority imposed the punishment of dismissal from service against the respondent.

(4) On 01-07-2001, the respondent preferred an appeal, but the same was also dismissed on 17-08-2001.

(5) Being aggrieved by the dismissal of the appeal, the respondent preferred an appeal before the Tribunal. The Tribunal allowed the appeal and converted the order of dismissal into one of compulsory retirement and it also directed that the respondent be paid a compassionate pension and other dues admissible to him.

(6) The respondent being aggrieved by the said order filed a writ petition. The Learned Single Judge by the impugned order noticed that the punishment that had been imposed on the

respondent was on the basis of the board's advice and the board's advice was not furnished to the respondent as contemplated under Rule 26 of the Gujarat Panchayat Service (Discipline and Appeal Rules, 1997). The Learned Single Judge took the view that the requirement of supplying of a copy of the Board's advice was mandatory and, since that was not complied with, the order of dismissal could not be sustained.

(7) The Learned Single Judge, thereafter, taking note of the fact that 20 years had elapsed, it would not be appropriate to remit the matter to the Disciplinary Authority and acting upon the concession of the respondent that he be paid the regular pension, having regard to his 13 years of service, the Learned Single Judge directed the respondents to pay the respondent pension and other retiral benefits by taking into consideration his 13 years of service.

(8) Being aggrieved by the said order, the employer, i.e., The District Development Officer, is in appeal.

(9) As noticed above, it is not in dispute that the punishment was imposed on the respondent only on the basis of the advice of the Gujarat Panchayat Service Selection Board. In fact, it is borne out from the record that the only recommendation made by the employer was initially a stoppage of two increments without future effect. But, when that was objected to by the board, a second recommendation was made to impose a punishment of stoppage of four increments. It is only after this

recommendation was rejected and it was positively suggested by the board that the respondent should be dismissed from service, did the Disciplinary Authority dismiss the respondent from service.

(10) Rule 26 of the Gujarat Panchayat Service Discipline Appeal Rules leave no room for doubt that if a punishment is imposed on the basis of the advice of the board, mandatorily, the copy of the advice by the board is to be submitted to the Panchayat servant and only thereafter an order can be passed. The learned Single Judge has merely given effect to this rule and has also noticed that this position of law was fairly well settled by the decision of a coordinate bench in the case of ***B.L. Jadav Vs. State of Gujarat*** reported in 2005 (2) G.L.H. 334.

(11) In our view, the reasoning of the Learned Single Judge does not call for any interference and the Writ Appeal is, therefore, dismissed.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

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