

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 5 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 16567 of 2023

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VETERINARY OFFICER & ANR.

Versus

KARAMSHIBHAI SANKABHAI DESAI & ANR.

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Appearance:

MS SEJAL K MANDAVIA(436) for the Appellant(s) No. 1,2

NOTICE SERVED for the Respondent(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE A.Y. KOGJE**

and

HONOURABLE MR. JUSTICE SAMIR J. DAVE

Date : 11/09/2024

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)

1. This Court has observed in its order dated 29.07.2024 that learned advocate Mr. P. H. Pathak has instructions to appear on behalf of the respondent and accordingly, learned advocate for the appellant has already served a set of Letters Patent Appeal.

2. Today, when the matter is called out, learned advocate Mr. P. H. Pathak has not filed his appearance and has also not present.

3. The issue raised by learned advocate for the appellants is that the members of the respondent-Union even as per their affidavit filed in Special Civil Application No. 16567 of 2023,

the claim was that they were appointed as part-timers. It is submitted that the policy with regards to the part-timers had come subsequent to the directions in the Writ Petition (PIL) No. 244 of 2014. It is, therefore, submitted that when members of the respondent-union themselves have claimed to be part-timers, in that case, the issue of applicability of the Government Resolution dated 17.10.1988 can not be made applicable.

4. Learned advocate for the appellants states that the order may be stayed as they are apprehending the contempt. But, the court is not in agreement with such argument.

In view of the aforesaid, ADMIT.

(A.Y. KOGJE, J)

(SAMIR J. DAVE,J)

K. S. DARJI