

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/LETTERS PATENT APPEAL NO. 1126 of 2023
In R/SPECIAL CIVIL APPLICATION NO. 588 of 2022**

With

**R/LETTERS PATENT APPEAL NO. 1127 of 2023
In R/SPECIAL CIVIL APPLICATION NO. 515 of 2022**

=====

VARSHABEN BHUPENDRABHAI TRANSAVALA & ORS.

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR DIPAN DESAI(2481) for the Appellant(s) No. 1,2,3,4

MR SAHIL TRIVEDI, AGP for the Respondent(s) No. 1

RULE SERVED for the Respondent(s) No. 2,3

=====

**CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA
and
HONOURABLE MS. JUSTICE GITA GOPI**

Date : 24/10/2024

COMMON ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)

1. Learned advocates appearing for the respective parties have submitted that this Court, in the present appeals may examine the issues with regard to grant of higher pay-scale and also revision of pay afresh, after considering the rival submissions and the documents produced on record.

2. Learned advocate Mr.Desai has submitted that instead of remand, since the appellants have already retired from service long back, whatever documentary evidence the respondent authorities would like to produce, may be produced and

opportunity may be given to the appellants to put up their case, after perusing such documents.

3. Learned AGP Mr.Trivedi at the outset, has submitted that the precise case of the respondent authority is that Mr.Prashantkumar Jha, whose parity is sought has opted for the benefits of 5th Pay Commission w.e.f. 02.02.1996 i.e. from the date of when he was granted the higher pay-scale and accordingly, his higher pay-scale was revised and granted on the basis of revision of pay, which was made effective from 01.01.1996, whereas all the appellants had opted from revision of pay from 01.01.1996 and their higher pay-scale was granted after 01.01.1996. It is submitted that thus, the case of the appellants is in reverse to the case of Mr.Prashantkumar Jha with whom the parity is being sought by the appellants.

4. The learned AGP shall produce all the documentary evidence in this regard including option forms filled in by the appellants.

5. Learned advocate Mr.Desai at this stage, has pointed out one of the option forms which has been filed by one of the appellants and has submitted that the same does not refer to the specific date of 01.01.1996 but only pay-scale of Rs.5000-8000/-.

6. Under the circumstances, the learned AGP is directed to give the details of the actual higher pay-scale, which has been granted to Mr.Prakashkumar Jha and the appellants with specific details of the payment and documentary evidence in support of such payment. He shall also file an affidavit pointing out as to whether such aspect was brought to the notice of the employees like present appellant so that they would have exercise their option by considering such instructions.

7. The matter is kept on **04.12.2024**.

Sd/-
(A. S. SUPEHIA, J)

Sd/-
(GITA GOPI,J)

NVMEWADA/S-2,3