

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 1127 of 2023

In R/SPECIAL CIVIL APPLICATION NO. 515 of 2022

**With
CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2023
In R/LETTERS PATENT APPEAL NO. 1127 of 2023**

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BHARATKUMAR RAMANBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR DIPEN DESAI(2481) for the Appellant(s) No. 1

MR SANJAY UDHWANI, AGP for the Respondent(s) No. 1

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

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CORAM:HONOURABLE MR. JUSTICE N.V.ANJARIA

and

**HONOURABLE MR. JUSTICE CHEEKATI MANAVENDRANATH
ROY**

Date : 06/12/2023

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE N.V.ANJARIA)

Heard learned advocate Mr. Dipen Desai for the appellants and learned Assistant Government Pleader Mr.Sanjay Udhwani for respondent State.

2. Learned advocate for the appellants submits that though the order under challenge was the judgment and order of learned Single Judge is of remand of the matter, the similarly situated persons are granted the benefit of higher pay-scale of Rs. 5000-8000 corresponding the pay-scale of 6th and

7th Pay Commission recommendation.

3. Learned Assistant Government Pleader could only submit that pursuant to the directions of learned Single Judge, the exercise of remand is underway and the decision will be taken.

3.1 He was entirely at his receiving end when it was submitted that the similarly situated persons have been extended the benefits.

4. Under the circumstances, the appeal is admitted. Learned Assistant Government Pleader waives service of notice of admission.

4.1 By way of ad interim relief, it is directed that though the remand exercise may be continued, final decision shall not be taken without permission of this Court.

5. The appeal shall be listed for final hearing on 16.01.2024.

Civil Application will not survive and stands disposed of.

(N.V.ANJARIA, J)

(CHEEKATI MANAVENDRANATH ROY, J)

BIJOY B. PILLAI