

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2660 of 2024**

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MANUBHAI HEMABHAI PATEL

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. VISHAL P THAKKER(7079) for the Petitioner(s) No. 1

for the Respondent(s) No. 2,3,4

MR ADITYA PATHAK, ASST. GOVERNMENT PLEADER/PP for the

Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 20/02/2024****ORAL ORDER**

1. Heard learned advocate Mr.Vishal Thakkar on behalf of the petitioner and learned Assistant Government Pleader Mr.Aditya Pathak on behalf of the respondent – State.

2. By way of this petition, the petitioner inter alia seeks for grant of benefits available to the petitioner under the Government Resolutions dated 17.10.1988, 15.09.2014 and 21.06.2019.

3. Considering the submissions made by learned advocate Mr.Thakkar, it would appear that the petitioner had joined the services as a daily rated employee from the year 1975 and had

continued as such till 2007. It would also appear as per the attendance sheet which is annexed with the present petition that the petitioner has probably completed more than ten years where in each year the petitioner would have completed more than 240 days prior to 01.04.2005, thereby entitling the petitioner for the benefit of pension as per the extant policy of the State Government.

4. Having regard to such prima facie observations, more particularly considering the fact that the present petitioner is stated to be 91 years' of age, at this stage, the following directions are passed:-

(i) Issue **Notice to the respondents, returnable on 19.03.2024**. Learned AGP waives service of notice on behalf of the respondent - State. Direct service for rest of the respondents is permitted.

(ii) By way of interim relief, the respondents are directed to calculate the total attendance of the present petitioner and whereas, the respondents are directed to give the benefit of adding Sundays and public holidays to the number of days worked by the petitioner in each year as per the law laid down

by the Hon'ble Apex Court in case of Workmen of American Express International Banking Corporation vs. Management of American Express International Banking Corporation [AIR 1986 SC 458].

(iii) Based upon such calculation, the respondents would decide the entitlement of the petitioner to the benefit of Government Resolution dated 17.10.1988 and later GRs.

(iv) By the returnable date, based upon the calculation as directed hereinabove, the respondents shall state as to the actual amount of pension and arrears of pension, if any as entitled to by the present petitioner and whereas the shortest possible time for disbursing of such benefits shall also be intimated.

5. The above order shall be complied with by the respondents without fail, failing which, appropriate action shall be taken against the respondents in their individual capacity.

(NIKHIL S. KARIEL,J)

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