

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 2093 of 2025**

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STATE OF GUJARAT  
Versus  
CONTROLLING AUTHORITY & ANR.

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Appearance:  
GOVERNMENT PLEADER for the Petitioner(s) No. 1

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**CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**

**Date : 19/02/2025**

**ORAL ORDER**

Learned AGP Mr.Brahmbhatt submits that learned Controlling Authority has allowed the application filed by the respondent and directions were issued to the present petitioner to pay different amount of gratuity of Rs.1,22,398/- with 10% interest. Learned AGP Mr.Brahmbhatt submits that the respondent has completed 240 days only for seven years out of his service of 21 years. Learned AGP Mr.Brahmbhatt submits that the amount of gratuity for the said seven years has already been paid. However, without considering the same, both the authorities have passed the order against the present petitioner.

Learned AGP Mr.Brahmbhatt submits that whether

applicability of Gujarat Civil Services Rule would be there or Payment of Gratuity would apply, the issue is at large before the Apex Court in the case of ***Dhansai Sahu Vs. State of Chhatisgarh reported in 2020 (19) SCC 808; 2020 (2) Scale 310*** as well as the Division Bench of this Court in LPA No.1556 of 2024.

In view of the above, let Notice be issued making it returnable on 16.04.2025.

The amount deposited before the learned Controlling Authority shall not be disbursed till next date of hearing.

NIVYA A. NAIR

**(M. K. THAKKER,J)**