

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/LETTERS PATENT APPEAL NO. 237 of 2026****In R/SPECIAL CIVIL APPLICATION/13158/2017****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/LETTERS PATENT APPEAL NO. 237 of 2026**

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ABDOOLBHAI RASOOLBHAI PATHAN**Versus****AMRELI DISTRICT PANCHAYAT & ORS.**

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Appearance:**MR.VINOD C THAKER(6678) for the Appellant(s) No. 1****MR PREMAL R JOSHI(1327) for the Respondent(s) No. 1,2**

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CORAM:HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**and****HONOURABLE MR.JUSTICE J. L. ODEDRA****Date : 02/04/2026****JUDGMENT****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

1. The petitioner was appointed as a part time peon on 05.03.1983 to work for the period of four hours a day at Allopathic Dispensary, Dedan. His services came to be terminated on 01.01.1990, as a result of which, he raised an industrial dispute with the Labour Court. The Labour Court accepted the reference and passed an award on 23.12.1999, whereby, it directed his reinstatement to the original post with continuity of service and 25% back-wages.
2. The Management, being aggrieved, approached this Court

by way of SCA No.4136 of 2000, but this petition was dismissed on 23.02.2005 and as a consequence the workman, i.e the appellant was reinstated to his original post.

3. The workman, thereafter, approached this Court once again in SCA No.28889 of 2007 seeking for relief of regularization and also for minimum wages be paid to him by the management as prescribed for a part time employee.
4. It may be relevant to state here that in that writ petition, the petitioner urged during the course of his arguments, as follows:-

“She further submits that the petitioner is not getting minimum wages for part time employees as declared by the State Government.”

5. Furthermore, this Court, while disposing of the said writ petition, also made the following observations:

“6. In respect of the grievance of the petitioner about claim for minimum wages for part time employees as declared by the State Government, it is open for the petitioner to make detailed representation to the respondent District Panchayat, Amreli pointing out minimum wages declared by the State Government for part time employees. As and when such representation made by the petitioner is received by the District Panchayat, Amreli, it is directed to the District Panchayat, Amreli to verify whether the minimum wages declared for part time employees by the State Government is being paid to the petitioner or not and then to examine grievance of the petitioner and thereafter to pass appropriate reasoned orders in accordance with law within two months from the date

of receipt of copy of this order and to communicate the decision to the petitioner immediately thereafter.”

6. As could be seen from the observation of this Court as underline above and also as per the definite case of the workman that he was working as a part time employee and that he was required to be paid the minimum wages declared for part time employees, it is clear that all along, the workman claimed that he had been appointed as a part time employee and was required to be paid minimum wages that had been declared for part time employees.
7. The workman, thereafter, approached this Court once again and sought for extension of the benefits under the Government Resolution (GR) dated 17.10.1988, considering the length of his service.
8. The Learned Single Judge, by the impugned order, has refused this claim, principally on the ground that the workman was only a part time employee and the benefit of GR dated 17.10.1988 cannot be extended to, as the said GR would be applicable only for a full time daily wager.
9. Learned counsel for the petitioner sought to contend that

though the workman was given the nomenclature of a part time employee, in reality, work was extracted from him for the entire day, and he was, therefore, required to be considered as a daily wager. It is submitted that since the workman was reinstated with continuity of service, he is deemed to have been in continuous service from 1983 and, therefore, the benefit of GR dated 17.10.1988 cannot be denied to him.

10. As already extracted above, it was the specific case of the petitioner, when he sought for regularization in 2007, that he was only a part time employee. This Court also observed that it was open for the petitioner to make a representation seeking for regularization and this Court also observed that the State Government should examine his claim for payment of minimum wages as had been declared to a part time employee and ensure that the same was paid.
11. In light of these facts, it cannot be in dispute that the workman was a part time employee, and he also acceded to this particular fact and also designation.
12. A reading of the GR dated 17.10.1988 makes it clear that it

would be applicable only to a regular daily wager, i.e., a daily wager, who works for entire day and who has completed 240 days in service in a given calendar year. The said GR does not in any way, either directly or indirectly, extend the benefit of the GR to any part time employee, such as the petitioner-workman.

13. In that view of the matter, the order of the learned Single Judge holding that the benefits of GR dated 17.10.1988 cannot be extended to the petitioner is correct and cannot be found fault with.
14. Accordingly, the writ appeal is dismissed. Consequently, connected Civil Application also stands dismissed.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

SUDHIR