

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SECOND APPEAL NO. 148 of 2023****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2023****In R/SECOND APPEAL NO. 148 of 2023**

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GUJARAT URJA VIKAS NIGAM LIMITED

Versus

LH OF DECD. SURESHKUMAR NATHALAL PATHAK

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Appearance:

MR VIRAL J DAVE(5751) for the Appellant(s) No. 1,2,3

for the Respondent(s) No. 1,1.1,1.2,1.3

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA M. SAREEN**Date : 01/05/2023****ORAL ORDER****ORDER IN SECOND APPEAL**

1. Heard learned advocate Mr. Viral Dave for the appellants.
2. The present appeal is filed by the appellants- original respondents against the judgment and decree dated 15.12.2022 passed by the learned Principal District Judge, Junagadh in Regular Civil Appeal No. 93 of 2012.
3. The present appeal is **Admitted** on the following substantial questions of law.

“(A) Whether the Hon’ble first appellate Court has committed an error in coming to the conclusion that in view of the order of acquittal

passed in criminal case No. 2677 of 1991, order of punishment passed in departmental inquiry for same set of charges would be erroneous and unjust ?

(B) Whether the Hon'ble first appellate Court has committed an error in relying upon the decision of Hon'ble Supreme Court in India in case of G.M. Tank vs. State of Gujarat and others reported in 2006-2-GLH-533 ?”

ORDER IN CIVIL APPLICATION (FOR STAY)

Rule returnable on 13.07.2023. Till then, the execution, operation and implementation of the impugned judgment and decree dated 15.12.2022 passed by the learned Principal District Judge, Junagadh in Regular Civil Appeal No. 93 of 2012 shall remain stayed.

SALIM/

(RAJENDRA M. SAREEN,J)