

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5953 of 2022****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2024****In R/SPECIAL CIVIL APPLICATION NO. 5953 of 2022**

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STATE OF GUJARAT THROUGH DEPUTY CONSERVATOR OF FOREST

Versus

MAHESHBHAI KESHUBHAI DOBARIYA & ANR.

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Appearance:

MR MAYANK CHAVDA, LD.ASSTT. GOVERNMENT PLEADER for the
Petitioner(s) No. 1

MR P C CHAUDHARI(5770) for the Respondent(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2

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CORAM: HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 13/03/2024****ORAL ORDER****CIVIL APPLICATION (FOR STAY) NO. 1 of 2024 :**

1. Heard Mr.Mayank Chavda, learned Assistant Government Pleader for the applicant. He submitted that the writ petition is filed challenging an award of the Labour Court, Junagadh dated 16.07.2021 wherein, the applicant was directed to reinstate the opponent to its original post. In this writ petition, Notice has been issued and the same is subjudice.

He submitted that during the pendency of the petition, the opponent- workman has preferred Recovery Application No.58 of 2023. Placing reliance on Recovery Application No.58 of 2023, learned Assistant Government Pleader submitted that

for the period in question i.e. from 16.07.2021 to 31.05.2023, the opponent-workman was working with another department of the State Government namely Sakkarbagh Zoo, Junagadh. Annexure “E Colly” (Page-40 of the civil application), refers to working of the respondent-workman with Sakkarbagh Zoo, Junagadh from 01.11.2015 to 09.02.2024, which covers the period referred in the recovery application.

2. Considering the submissions, issue **Notice** returnable on 25.04.2024. By way of ad-interim relief, execution and implementation of the Recovery Application No.58 of 2023 at Annexure “E Colly” (Page-59 of the civil application), is stayed till the next date of hearing. It is open for the opponent to file reply in this civil application.

R/SPECIAL CIVIL APPLICATION NO. 5953 of 2022:

Registry to list this petition for hearing on 25.04.2024.

(MAUNA M. BHATT,J)

DIPTI PATEL