

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 3655 of 2026

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MAHENDRAKUMAR VALJIBHAI VANKAR

Versus

THE STATE OF GUJARAT & ANR.

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Appearance:

MR GAURAV K MEHTA(5227) for the Petitioner(s) No. 1
MS DEVANSHI PATEL ASSISTANT GOVERNMENT PLEADER for
the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 16/03/2026

ORAL ORDER

1. Heard learned advocate Mr. Gaurav K. Mehta
for the petitioner.

2. By way of this petition, the petitioner has
prayed for the following reliefs:-

“(A) YOUR LORDSHIPS may be pleased to
admit and allow the present petition;

(B) YOUR LORDSHIPS may be pleased to issue
appropriate writ, order or direction for
quashing and setting aside the illegal,
arbitrary, unjust, unfair and
discriminatory action of the respondent
authorities by not extending the benefit
of 15% NPPA as per the 7th Pay Commission
from the date of their services are being

regularized and further be pleased to hold the said action on the part of the respondent authorities as bad at law.

(C) YOUR LORDSHIPS may be pleased to issue appropriate writ, order or direction directing the respondent authorities to extend the benefit of 15% NPPA as per 7th Pay Commission from the date of their services are being regularized along with the interest @ 6% on the amount of arrears, in view of the law laid down by the Division Bench of the Hon'ble High Court of Gujarat in the judgement dated 19-7-2018 passed in Letter Patent Appeal No.907 of 2016 (Hereto marked as Annexure - 'C') and other allied matters, which has been confirmed by the Hon'ble Supreme Court of India by the order dated 7-9-2020 passed in Special Leave Petition Diary No.17681 of 2020 (Hereto marked as Annexure 'D').

(D) Your Lordships may be pleased to issue appropriate writ order or direction to consider the representation dated 27/01/2026 (Hereto marked as Annexure-'K') made by the petitioners requesting the respondents to extend the benefit of 15% NPPA from the date of their services are being regularized in light of the law laid down by the Division Bench of the Hon'ble High Court of Gujarat in the judgement dated 19-7-2018 passed in Letter Patent Appeal No.907 of 2016 (Hereto marked as Annexure - 'C') and other allied matters, which has been confirmed by the Hon'ble Supreme Court of India by the order dated 7-9-2020 passed in Special Leave Petition Diary No.17681 of 2020 (Hereto marked as Annexure 'D').

(E) YOUR LORDSHIPS may be pleased to pass

such other and further orders that may be deemed just and proper in the facts and circumstances of the present case."

3. However, though the aforesaid relief is prayed by the petitioners, learned advocate Mr. Mehta, upon instructions, states that at this juncture, instead of pursuing the petition any further, the petitioners by reserving liberty to file a fresh petition, in case, if the respondents decide the case of the petitioners against them, wants to make a representation to the respondent authorities for the aforesaid prayer.

4. Learned advocate Mr. Mehta states that each of the petitioners intend to make a separate fresh representation to the respondents and the respondents may be directed to consider the same in light of identical issue decided by this Court vide common oral judgment dated 28.03.2016 passed in Special Civil Application No. 10953 of 2014 and allied matters in case of Gunvantrai Narmadashankar Vyas and others V/s. State of Gujarat and others and which has been confirmed by the Division Bench of this Court in

case of State of Gujarat V/s. Gunvantrai Narmadashankar Vyas vide common oral judgment dated 19.07.2018 in Letters Patent Appeal No.907 of 2016 and allied matters. It is brought to the notice of the Court that even the decision of the Letters Patent Appeal also was carried before the Hon'ble Supreme Court and State has failed and therefore, the petitioners' representation is required to be decided in light of above decision as stated by learned advocate Mr. Mehta.

5. Considering the aforesaid innocuous prayer, the petitioners may make a representation to the respondents authorities within a period of one month from today and in case if such representation is made by the petitioners, the respondents authorities are directed to consider the same in accordance with law and by taking into consideration the above referred decisions of the learned Single Judge and confirmed by the Division Bench and Hon'ble Supreme Court and to pass a reasoned order in this regard latest by 31.05.2026.

6. In case, if the petitioners' representation is not considered positively, the respondents are directed to pass a reasoned order and liberty is reserved in favour of the petitioners to challenge the same.

7. In case, if the respondent - Animal Husbandry Department has to decide the representation, copy of this order may be served upon the Animal Husbandry Department as well by the petitioners. 8. In view of above, the present petition is disposed of. Needless to say that this Court has not examined the merits of the matter.

(NIRZAR S. DESAI, J)

Pallavi

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PALLAVIBEN PRABHUDAS PANCHAL(HC01403), PRIVATE SECRETARY, at High Court of Gujarat on 16/03/2026 17:58:36