

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15179 of 2020**

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RAJESHKUMAR JESUKHLAL GOYANI**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR MEET A SHAH(9933) for the Petitioner(s) No. 1****MR SANJAY UDHWANI ASSISTANT GOVERNMENT PLEADER for
the Respondent(s) No. 1,2,4****MR AR THACKER(888) for the Respondent(s) No. 3****SHIVANG A THACKER(7424) for the Respondent(s) No. 3**

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 06/05/2025****ORAL ORDER**

1. Heard learned advocate Mr. Meet A. Shah appearing for the petitioner, learned Assistant Government Pleader Mr. Sanjay Udhvani appearing for the respondent Nos. 1, 2 and 4 and learned advocate Mr. A. R. Thacker with learned advocate Mr. Shivang Thacker appearing for the respondent No.3. At the outset it was pointed out from the affidavit in reply filed by the respondent No.2 in main matter being Special Civil Application No. 15758 of 2021 with allied matters (including

the present matter) and more particularly from paragraph No.5 of the affidavit in reply which was filed on 3.5.2025 wherein paragraph No.5 reads as under :-

"5. The case of the present set of petitioners has been recommended to the Finance Department for consideration of conferment of benefits in accordance with decisions passed by this Hon'ble Court."

2. In view of above paragraph, learned Assistant Government Pleader Mr. Sanjay Udhwani, under instructions states that the petitioner's case has been considered positively for converting the petitioner's entitlement from CPF to GPF and the proposal is at present pending with the Finance Department and the necessary orders may be passed within a period of three months from the date of receipt of this order.

3. Learned advocate appearing for the petitioner states that in that case, the Finance Department may be directed to consider and decide the proposal of the petitioner that is already forwarded by the Education Department within

some time bound schedule and in case if such recommendation is rejected, as according to learned advocate for the petitioner, the Finance Department has nothing to do with the subject matter on hand and is brought into picture for no reason and the issue has thoroughly been examined by the Education Department, necessary directions may be issued to the Finance Department.

4. In view of the above, following directions are issued :-

(i) The Finance Department is directed to consider the proposal of the petitioner for the purpose of converting the petitioner's case for pensionary benefits from CPF to GPF, within a period of three months from the date of receipt of this order and in case, if the proposal is rejected, the Finance Department is directed to pass a reasoned order as to how the proposal forwarded by the Education Department cannot be

accepted and in that case, the petitioner would be at liberty to challenge the said decision in accordance with law by filing a fresh petition.

(ii) If the Finance Department is of the view that the petitioner is entitled to the benefits of GPF Scheme, in that case, necessary orders may be passed within a period of three months from the date of receipt of this order.

Upon passing the order holding the petitioner entitled for GPF Scheme, within a further period of three months from the date of the order that may be passed by the Finance Department as referred above, benefits of GPF be passed over to the petitioner.

5. With the aforesaid observation and direction, the petition stands disposed of. It is clarified 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 07/05/2025 15:27:50