

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 15023 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 1795 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 1835 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 2623 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3161 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3636 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3648 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3654 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3794 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3811 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3854 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3862 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3876 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3884 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3953 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3976 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 3985 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 4002 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 4003 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 4027 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 4268 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 4366 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 4407 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 4506 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 4750 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 4753 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 4780 of 2026
With

R/SPECIAL CIVIL APPLICATION NO. 4829 of 2026
 With
 R/SPECIAL CIVIL APPLICATION NO. 4839 of 2026
 With
 R/SPECIAL CIVIL APPLICATION NO. 4865 of 2026
 With
 R/SPECIAL CIVIL APPLICATION NO. 4922 of 2026
 With
 R/SPECIAL CIVIL APPLICATION NO. 5525 of 2026
 With
 R/SPECIAL CIVIL APPLICATION NO. 5805 of 2026
 With
 R/SPECIAL CIVIL APPLICATION NO. 5814 of 2026

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STATE OF GUJARAT
 Versus
 VALABHAI HADABHAI MAKWANA & ANR.

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Appearance:
 MR KAMAL TRIVEDI LEARNED ADVOCATE GENERAL with
 MR VINAY B VISHEN AGP for the Petitioner(s) No. 1
 NOTICE SERVED for the Respondent(s) No. 1,2

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CORAM: **HONOURABLE MR. JUSTICE DEVAN M. DESAI**
 Date : 20/08/2026
COMMON ORAL ORDER

1. Heard learned Advocate General Mr. Kamal Trivedi assisted by learned AGP Mr. Vinay B. Vishen for the petitioner.
2. Learned Advocate General Mr. Kamal Trivedi, at the outset, contended that the issue pertains to entitlement of gratuity. It is submitted that the amount of gratuity as per Gujarat Civil Services (Pension) Rules, 2002 has already been paid to the workman. The issue involved in the present petition is pending before the Hon'ble Supreme Court in the case of *“Dhansai Sahu vs. State of Chhattisgarh and Ors.”* reported in 2018 (5) SCC

430. Learned AGP has also placed on record a copy of order dated 18.10.2024 passed by the Hon'ble the Division Bench of this Court in Letters Patent Appeal No. 1556 of 2024 and, the same is taken on record. The Hon'ble Division Bench of this Court, considering pending issue before the Hon'ble Supreme Court, has stayed operation and implementation of the order passed by the Controlling Authority in Gratuity Case.

3. Considering the submissions made by learned Advocate General Mr. Kamal Trivedi for the petitioner and upon perusal of the papers placed on record, it appears that the issue involved in the present petition is pending before the Hon'ble Supreme Court in the case of *Dhansai Sahu (Supra)*.

4. Hence, *Rule*. In the meantime, the operation and implementation of the impugned order passed by the learned Controlling Authority under Payment of Gratuity Act, 1972 is hereby, stayed.

(D. M. DESAI,J)

SHIVANI SHUKLA