

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5784 of 2026**

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STATE OF GUJARAT THROUGH DEPUTY EXECUTIVE ENGINEER & ANR.

Versus

CONTROLLING AUTHORITY, UNDER PAYMENT OF GRATUITY ACT,
AHMEDABAD & ANR.

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Appearance:

MR MAYANK CHAVDA, AGP for the Petitioner(s) No. 1,2

NOTICE SERVED for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI

Date : 20/08/2026

ORAL ORDER

1. Heard learned AGP Mr. Mayank Chavda for the petitioners.
2. Learned AGP, 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 is already 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 reliance upon the order dated 18.10.2024 passed by the Hon'ble Division Bench of this Court in Letters Patent Appeal No. 1556 of 2024 and, contended that, considering the pending issue before the Hon'ble Supreme Court, the Hon'ble Division Bench of this Court has stayed the operation and implementation of the order passed by the Controlling Authority in the Gratuity Case.

3. Considering the submissions made by learned AGP 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. Rule. In the meantime, the operation and implementation of the order passed by the Controlling Authority under Payment of Gratuity Act, 1972 is hereby, stayed.

(D. M. DESAI,J)

MUSKAN