

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 457 of 2026

In R/SPECIAL CIVIL APPLICATION/9938/2015

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/LETTERS PATENT APPEAL NO. 457 of 2026**

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GRAM PANCHAYAT

Versus

RAGHAVBHAI DUNGARBHAI SOLANKI & ORS.

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Appearance:

MRS NISHA M PARIKH(2397) for the Appellant(s) No. 1
MS KRISHNA DESAI, AGP or the Respondent(s) No. 3,5
MR HS MUNSHAW(495) for the Respondent(s) No. 4
MR PH PATHAK(665) for the Respondent(s) No. 1,2

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CORAM:**HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**
and
HONOURABLE MR.JUSTICE J. L. ODEDRA

Date : 19/06/2026

ORDER

(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

(1) The appeal is filed challenging the order of the learned Single Judge, whereby the learned Single Judge held that the respondents herein were entitled to the benefits of the 5th and 6th Pay Commissions and has accordingly issued a direction that the benefits be made over to them.

(2) Learned counsel for the Panchayat, however, contends that the respondents had, basically entered service through a back-door entry and their appointments were per se illegal. Therefore, the extension of the benefits of the 5th and 6th Pay Commissions would be illegal.

(3) Learned Single Judge has recorded a finding that the respondents herein were taken back into service pursuant to a compromise dated 05.10.1988. They were also granted the benefits of the 4th Pay Commission and were treated as regular employees holding Class- IV posts. He has also found that similarly situated persons were granted the benefits of the 5th and 6th Pay Commissions and, therefore, denial of the similar benefits to the respondents was incorrect.

(4) In our view, since the petitioner has treated similarly placed employees as regular employees and extended the benefits of 5th and 6th Pay Commission they are bound to extend the same to the respondents herein. As already noticed above it is not in dispute that respondent Nos.1 and

2 were indeed extended the benefit of the 4th Pay Commission on them being reinstated and were being treated as regular employees.

(5) In that view of the matter, the order of the learned Single Judge directing the extension of the benefits of the 5th and 6th Pay Commission on respondent Nos. 1 and 2 within a time bound manner cannot be found fault with.

(6) The present Letters Patent Appeal is, therefore, dismissed.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

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