

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/LETTERS PATENT APPEAL NO. 586 of 2026
In R/SPECIAL CIVIL APPLICATION/12455/2024
With
CIVIL APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2026
In R/LETTERS PATENT APPEAL NO. 586 of 2026

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BHAVNAGAR DISTRICT PANCHAYAT

Versus

BHISARA HITESHBHAI VIRJIBHAI & ORS.

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Appearance:

MR HS MUNSHAW(495) for the Appellant(s) No. 1

GOVERNMENT PLEADER for the Respondent(s) No. 7,8,9

KAASH K THAKKAR(7332) for the Respondent(s) No. 10

MR NK MAJMUDAR(430) for the Respondent(s) No. 1,2,3,4,5,6

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

and

**HONOURABLE MR. JUSTICE UTKARSH THAKORBHAI
DESAI**

Date : 09/09/2026

ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)

The issue in the captioned appeal revolves around the compassionate appointment in terms of the resolution dated 15.06.2004 of the General Administration Department. The appellant, has contended that so far as respondent no.4 is concerned, the death of the employee took place in the month of April, 2004 and subsequent thereto, the Government Resolution dated 15.06.2004 was introduced and the respondent no. 4 submitted an application on 18.06.2004. Hence, as per condition no. 11, the respondent no. 4 would be governed by the policy prevailing as on 18.06.2004, that was Government Resolution dated 15.06.2004 clearly providing for appointment initially on fixed term basis for a period of five years and regularization or extending the regular pay-scale upon completion of five years of satisfactory service. As in the

case on hand, the application of the respondent no. 4 was subsequent to the Government Resolution, the application would be governed as per the said resolution; however, the respondent no. 4 has been extended the benefits of treating him on a regular pay-scale since the inception.

2. Mr.Bhuvnesh Gehlot, learned Advocate states that the very same General Administration Department has issued the Government Resolution dated 10.03.2000 which categorically provides the compassionate appointment only on regular vacancies available on permanent basis and appointments cannot be made on daily wage worker, casual worker, apprentice, ad-hoc basis or on contract basis. Reliance is placed on the oral order dated 05.09.2022 passed in the case of *District Development Officer vs. Sanjaykumar Laxmanbhai Kalotra* in R/Letters Patent Appeal No. 855 of 2022 and other allied matters (page 158) so also on the oral order dated 03.10.2023 passed in the case of *Maheshbhai Shivabhai Mesara vs. State of Gujarat* in R/Letters Patent Appeal No. 287 of 2023 and other allied matter.

3. Mr.Bhuvnesh Gehlot, learned Advocate requests for some time.

4. At his request, list the matter on 29.09.2026.

(SANGEETA K. VISHEN,J)

(UTKARSH THAKORBHAI DESAI, J)

SINDHU NAIR

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: SINDHU UNNIKRIISHNAN NAIR(HC01395), PRIVATE SECRETARY, at High Court of Gujarat on 09/09/2026 16:21:19