

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 8655 of 2015****With****R/SPECIAL CIVIL APPLICATION NO. 8769 of 2015****With****R/SPECIAL CIVIL APPLICATION NO. 8770 of 2015****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE MAULIK J.SHELAT****Sd/-**

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|------------------------|-----|----|
| =====                  |     |    |
| Approved for Reporting | Yes | No |
|                        | --  | No |
| =====                  |     |    |

GUJARAT FOREST PRODUCE GATHERERS AND FOREST WORKERS  
UNION & ORS.

**Versus**

STATE OF GUJARAT & ORS.

**Appearance:**

MR RAJESH M CHAUHAN(2470) for the Petitioner(s) No. 1,2,3,4,5

MS FORUM SUKHADWALA, AGP for the Respondent(s) No. 1

RULE SERVED for the Respondent(s) No. 1,2,3,4

**CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT****Date : 21/04/2026****ORAL JUDGMENT**

1. Heard Mr. Rajesh M. Chauhan for the petitioners and Ms.Forum Sukhadwala, learned AGP for the respondents.

2. At the outset, it has been pointed out to this Court that, during the pendency of these petitions, all the petitioners have been taken back in service as daily wagers and thereby substantial grievances of the petitioners have been redressed by the respondents.

**SUBMISSIONS OF THE PETITIONERS :**

3. Mr. Chauhan, learned advocate for the petitioners, would submit that the only aspect of granting benefits of Government Resolution dated 17.10.1988 would remain in these matters. It is submitted that appropriate direction may be issued by this Court to the respondents to grant such benefits. Mr.Chauhan has relief upon the following decisions:-

(i) **Gujarat Pani Purvatha and Gutter Vyavastha Board Karmachari Sangh (BMS) AND Gujarat Water Supply and Sewerage Board and Others** in SCA 16882 OF 2016 and allied matters decided on 21.12.2017

(ii) **Nanabhai Masurbhai Pagi v. State of Gujarat** in Special Civil Application No.15794 of 2021 and allied matters decided on 08.04.2022

**SUBMISSIONS OF THE RESPONDENTS :**

4. *Per contra*, Ms.Sukhadwala, learned AGP would submit that, as per the subsequent development, which has taken place during the pendency of these petitions, all the petitioners have been taken back as daily wagers and whatever benefits as per Government resolutions, if the petitioners are entitled for, same will be considered by the respondents. Ms.Sukhadwala, learned AGP has tendered copies of communications dated 8.11.2016 addressed to the respective petitioners, which are taken on record.

**ANALYSIS :**

5. Having heard learned advocates for the respective parties, and considering the fact that during the pendency of these petitions, petitioners have been taken back in service as daily wagers by the respondents, nothing further requires to be done in this regard, except to observe that as per Government resolution dated 17.10.1988 and 15.9.2014, all the petitioners are entitled to receive the benefits of the aforesaid resolutions, working as daily wagers in the Forest Department. As per the decision of the coordinate Bench, cited supra, in the case of **Gujarat Pani Purvatha and Gutter Vyavastha Board Karmachari Sangh (BMS) AND Gujarat Water Supply and Sewerage Board and Others** in SCA 16882 of 2016, in similar set of facts, it has been observed and held thus:-

*"8. It may be stated at this stage that another group of similar situated petitioners who are also daily-wagers working under the very respondent - Gujarat Water Supply and Sewerage Board, had filed Special Civil Application No.18120 of 2016 for the relief of Sixth Pay Commission benefits as well as other incidental reliefs based on the grant of permanency status under the said Resolution inclusive of various allowances, merger of Dearness Allowance etc. This group of petitioners, since claimed to be identically situated, respondent authorities shall examine their case in that light and accorded all the benefits to them incidental to and flowing from the Resolution dated 17<sup>th</sup> October, 1988 as are given to the petitioners involved in Special Civil Application No.18120 of 2016.*

*9. In view of the foregoing discussion and the position of law obtained, the present petition stands allowed by passing the order and directions as under.*

- (i) Respondents are directed to grant the petitioners the benefit of 6<sup>th</sup> Pay Commission on the lines as is granted to the similarly situated petitioners in **Anand Bhausaheb Pawar** (supra) as per judgment dated 18th October, 2016 read with the modified directions issued in **Miscellaneous Civil Application No.375 of 2017** and accordingly confer the benefits of 6th Pay Commission for future with effect from 14<sup>th</sup> November, 2014;*
- (ii) Petitioners shall be given all the consequential benefits as may be flowing from or attached to the benefits flowing from Resolution dated 17<sup>th</sup> October, 1988;*
- (iii) Benefits flowing from directions (i) and (ii) hereinabove shall be released and paid to the petitioners within a period of three months from the date of receipt of this order;*
- (iv) Appropriate orders shall be passed in compliance of direction (iii) hereinabove within a period of four weeks from the date of receipt of this order."*

6. Likewise, in the case of **Nanabhai Masurbhai Pagi v. State of Gujarat** in Special Civil Application No.15794 of 2021 and allied matters, wherein also it has been held that while calculating the pensionary benefits, the entire length of service of the petitioner concerned from the date of initial joining, for the purpose of pension, till retirement be considered.

7. In light of the aforesaid decisions of this Court and since there is no dispute raised by the respondent that aforesaid resolutions are not applicable in the case of the petitioners, request made by Mr.Chauhan, learned advocate for the petitioners deserve consideration.

8. Accordingly, I pass the following order:-

- (i) The respondent authorities shall examine the case of the respective petitioners in light of what is observed herein above

and accord all the benefits to them, incidental to and flowing from resolution dated 17.10.1988 as well as Government resolution dated 15.9.2014, which are given in the case of **Gujarat Pani Purvatha and Gutter Vyavastha Board Karmachari Sangh (BMS) AND Gujarat Water Supply and Sewerage Board and Others** in Special Civil Application No.16882 of 2016.

(ii) It goes without saying that while calculating and granting the benefits of said resolutions to the petitioners, if they are entitled to receive the benefits of 6<sup>th</sup> and 7<sup>th</sup> Pay Commission, same shall also be given to the petitioners without fail.

(iii) The respondents shall release all such benefits in favour of the petitioners on or before 31.7.2026.

9. In view of the foregoing reasons, present petitions are allowed. Rule is made absolute to the aforesaid extent. No costs.

R.S. MALEK

Sd/-  
(MAULIK J.SHELAT,J)