

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 8770 of 2015**

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GUJARAT FOREST PRODUCE GATHERERS AND FOREST WORKERS
UNION & 2....Petitioner(s)
Versus
STATE OF GUJARAT & 3....Respondent(s)

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Appearance:

MR RAJESH M CHAUHAN, ADVOCATE for the Petitioner(s) No. 1 - 3

MR. ROBIN MOGERA, AGP for the Respondent(s) No. 1

NOTICE SERVED BY DS for the Respondent(s) No. 1 - 4

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CORAM: HONOURABLE MR.JUSTICE N.V.ANJARIA

Date : 13/10/2016

ORAL ORDER

Heard learned advocate Mr. Rajesh Chauhan for the petitioners and learned Assistant Government Pleader Mr. Robin Mogera for the respondents in respect of admission of the petition as well as grant of interim relief.

2. The first petitioner is Gujarat Forest Produce Gatherers and Forest Workers Union, whereas the second and third petitioners are the daily-rated workmen and members of the first petitioner union. They are working under the Forest Department since several years. They have prayed for a direction against the respondents to grant the benefits under State Government Resolution dated 17.10.1988. Interim prayer is made to direct the respondents to take the petitioners back in service. For

their claim, the petitioners have relied on decision of the Supreme Court **State of Gujarat vs. PWD Employees' Union [2013(12) SCC 417]**.

3. Learned advocates of both the sides submitted that the facts of the case and the issue involved is identical to the case in Special Civil Application No.8655 of 2015. In that petition, this Court having found prima facie case, issued Rule and also granted interim relief.

4. Present petitioners being similarly situated and the facts being the same, a similar order deserves to be passed.

5. Therefore, Rule. To be heard with Special Civil Application No. 8655 of 2015.

6. By way of ad-interim relief, the respondent authorities are directed to give work to the second and third petitioners as daily wagers and treat them with such status and pay the remuneration as daily wager. Learned advocate for the petitioners submitted that both the second and third petitioners would report for work. It is further directed that during the pendency of the petition, the respondents shall decide the case of the petitioners for grant of benefits under Resolution dated 17.10.1988 and place the decision on record.

(N.V.ANJARIA, J.)

cmjoshi