

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 811 of 2016**

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RAJEEV NATH JHA....Petitioner(s)

Versus

UNION OF INDIA & 5....Respondent(s)

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Appearance:

MR RAMNANDAN SINGH, ADVOCATE for the Petitioner(s) No. 1

DS AFF.NOT FILED (N) for the Respondent(s) No. 3

MR ANKIT SHAH, ADVOCATE for the Respondent(s) No. 1

MS DHARMISHTA RAVAL, ADVOCATE for the Respondent(s) No. 2 , 5 - 6

NOTICE SERVED for the Respondent(s) No. 3 - 4

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

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CORAM: **HONOURABLE MR.JUSTICE G.R.UDHWANI****Date : 29/03/2017****ORAL ORDER****RULE.**

It is pointed out that the question of fixation of pay of the ex-military serviceman on re-employment with the bank has been raised in several petitions filed in various High Courts; copies of some of the interim orders including the one passed by Allahabad High Court is placed on record which reads as under:

“WRIT – A No. 15189 of 2015

Petitioner :- Satyendra Kumar Dixit

Respondent :- Union of India and six others

Counsel for Petitioner :- Vijay Tripathi

Counsel for Respondent :- A.S.G.I. Satish Chaturvedi

Hon’ble B. Amit Sthalekar, J.

Supplementary affidavit filed today is taken on record.

Heard Sri Vijay Tripathi, learned counsel for the petitioner, Sri

Pankaj Srivastava, learned counsel for the respondents no.3 to 6 and Sri Uma Shanker Singh, learned counsel for the respondents no.1, 2 and 7. The petitioner is aggrieved by the order dated 18.2.2014 by which Military Service Pay, which was being earlier granted to him, has been withdrawn.

This withdrawal is stated to have been passed in terms of Circulars of the Central Government dated 28.12.2010 and 23.3.2012. Sri Vijay Tripathi submits that Circulars of the Central Government dated 28.12.2010 and 23.3.2012 have been withdrawn by the Central Government.

The matter requires consideration.

Connect with Writ Petition no.37257 of 2015, Brijesh Kumar Mishra and others vs. Union of India and others.

All the respondents may file counter affidavit within four weeks.

List thereafter.

No recovery shall be made in pursuance of the order dated 10.10.2014 (Annexure-1 to the supplementary affidavit).
Order date :- 27.3.2015.”

Learned counsel for the respondent bank places on record the xerox copies of circular dated June 18, 2015, and October 15, 2015.

Having considered the rival contentions, in the opinion of this Court, the interest of justice would be met at this stage if the recovery as indicated by Allahabad High Court is stayed till the final decision of this petition subject however to the final order that may be passed by the court in this regard. Accordingly ordered.

Direct service is permitted.

(G.R.UDHWANI, J.)

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