

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/MISC. CIVIL APPLICATION (FOR CONTEMPT) NO. 1533 of 2025
In
R/SPECIAL CIVIL APPLICATION/18724/2022

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DAMOR YOGESH KUMAR PUNJA BHAI

Versus

JAYANTI S. RAVI, ADDITIONAL CHIEF SECRETARY & ORS.

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Appearance:

MR ADITYA M KHANDELWAL(12130) for the Applicant(s) No. 1

MS SANDHYA D NATANI(3678) for the Applicant(s) No. 1

MS BHUMI GANDHI, AGP for the Opponent(s) No. 1,2,3

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CORAM: HONOURABLE MR. JUSTICE BHARGAV D. KARIA

and

HONOURABLE MR. JUSTICE L. S. PIRZADA

Date : 04/05/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)

1. Heard learned advocate Ms. Sandhya Natani for the applicant and learned Assistant Government Pleader Ms. Bhumi Gandhi for the respondents.

2. By this application filed under the provisions of the Contempt of Courts Act, 1971 [for short 'the Act'], the

applicant has prayed for initiation of contempt proceedings against the respondents for willful disobedience of the common order and judgement dated 04.02.2025 passed by learned Single Judge in Special Civil Application No. 18724/2022 and other allied matters.

3. Brief facts of the present application are as follows:

3.1 The applicant was appointed as a Junior Clerk/Assistant Clerk vide order dated 02/03/2009 initially for a period of 5 years and had subsequently qualified Certificate of Basic Knowledge of Computer Application i.e. CCC thrice in the years 2007, 2015 and 2019.

3.2 Thereafter, the applicant cleared departmental examination and was temporarily promoted as Deputy Collector subsequent to which the Collector, Mahisagar wide order dated 30/04/2021 revised the applicants pay scale and accordingly the date of the appointment of the applicant was also changed from 02/03/2009 to 31/03/2019 being the date on which the applicant had cleared CCC examination from Gujarat University in the year 2019.

3.3 Being aggrieved by the order dated 30/04/2021 passed by the Collector, Mahisagar the applicant preferred a Writ Petition before this court being

Special Civil Application No. 18724 of
2022.

4. The learned Single Judge, by order and judgement dated 04.02.2025, issued the following directions:

"14. The respondent - authority is directed to place each of the petitioners to their original seniority position prevailing prior to their appearance in the subsequent CCC examination and to grant all consequential benefits and to consider their case for promotion and for other benefits by repositioning them correctly in the seniority list, if they are otherwise satisfying all other criteria which are required for promoting them.

15.

16. It is expected that the State Government shall complete the aforesaid exercise at the earliest preferably within a period of three months from the date of receipt of the order."

5. Learned advocate Ms. Sandhya Natani for the applicant submitted that the respondent-authorities have passed orders after filing of the present contempt petition, wherein this Court had issued notice on 10.07.2025. It was pointed out from the affidavit-in-reply filed by the respondent that vide order dated 11.08.2025, the respondent-authorities have partially complied with the order dated 04.02.2025. However, the applicant has not been provided with the differential salary from the deemed date fixed with effect from 19.05.2020 till 11.08.2025. It was therefore, submitted that the applicant is entitled to the difference of

arrears from 19.05.2020 till
11.08.2025 amounting to
Rs. 15,77,500/-.

6. On the other hand, learned Assistant Government Pleader Ms. Bhumi Gandhi appearing for the respondents submitted that there is no willful disobedience of the order. It was further submitted that the order dated 04.02.2025 has been complied with by the respondent-authorities and the deemed date of promotion is fixed in the cadre of Deputy Mamalatdar w.e.f. 19.05.2020. It was submitted that as per the Government Resolution dated 28.07.1987 read with Government Resolution dated 09.03.1988, where a deemed date is

fixed, the employee is not entitled to any monetary benefits. In such cases, the date is determined and only the notional pay is considered. Accordingly, the respondents have paid the arrears of salary w.e.f. 12.08.2025 till 01.08.2025 and thereafter, the applicant was promoted to the post of Mamlatdar w.e.f. 01.09.2025 as per the aforesaid order dated 11.08.2025.

7. Considering the facts of the case and the submissions made by learned advocates for the parties, we are of the opinion that the order dated 04.02.2025 is complied with and there is no willful disobedience by the respondent-authorities and therefore,

this application is not entertained and
accordingly, the same is dismissed.

(BHARGAV D. KARIA, J)

JYOTI V. JANI

(L. S. PIRZADA, J)