

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11062 of 2017**

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HITESHCHANDRA M BHATT & ORS.

Versus

AHMEDABAD MUNICIPAL CORPORATION

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Appearance:

MR YOGEN N PANDYA(5766) for the Petitioner(s) No.

1,10,11,2,3,4,5,6,7,8,9

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

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 17/11/2025****ORAL ORDER**

1. Heard learned Advocate Mr. Yogen N. Pandya for the petitioners and learned Advocate Mr. H. S. Munshaw for the respondent-Corporation.
2. After arguing for some time, it brought to the notice of this Court that though Recruitment Rules dated 17/08/2011 whereby through promotion, a Junior Laboratory Assistant gets promoted on the post of Senior Scientific Assistant at Central Laboratory of respondent-Corporation, opened up in the year 2011. One Mr. A. P. Joshi and another Mr. H. M. Bhatt given higher pay scale of 6500-10500 w.e.f. 22/03/2006 as respondent-Corporation adopted Government Resolution

dated 16/08/1994 to give higher pay scale vide its circular No.6 dated 13/05/2002.

3. It further pointed out that as per earlier department notes dated 31/05/2007 and 26/08/2010 duly signed by the Chief Accountant (In-charge) and Deputy Municipal Commissioner (Finance) of respondent-Corporation, whereby, they have also recommended the case of the petitioners for consideration of higher pay scale in grade of 6500-10500 instead of 4500-7000.
4. Nonetheless, as per the impugned decision, it appears that despite aforesaid, such benefits not given to petitioners only on the ground that aforesaid rules framed by Corporation cannot be considered retrospectively. As noted hereinabove, the fact remains that aforesaid few persons were given such higher grade pay scale w.e.f. 22/03/2006 though rules framed in the year 2011.
5. To clarify the aforesaid aspect and also to make the things clear on the record, as to whether aforesaid department notes dated 31/05/2007 and 26/08/2010 put up for consideration before Commissioner of respondent-Corporation or not, time is granted to learned Advocate Mr. Munshaw to file further

affidavit in the matter.

6. The Municipal Commissioner of respondent-Corporation, after noticing the aforesaid facts and aforesaid departmental notes, finds apparent error in impugned decision taken by his predecessor, corrective measures and decision be taken by respondent-Corporation, keeping in mind the fact that the benefits if granted to other employees who are similarly situated with petitioners, there should not be any heartburn amongst the employees of the respondent-Corporation. Otherwise, it is always open for the respondent to file additional reply and to clarify the aforesaid aspect.
7. Considering the fact that matter is of the year 2017, it is expected that respondent-Corporation shall file clarificatory reply on or before 1st December 2025. Put up for further consideration on 4th December 2025.

(MAULIK J.SHELAT,J)

NILESH

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR NILESHKUMAR R(HCD0068), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 17/11/2025 19:07:38