

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11201 of 2017**

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YASHVANTLAL MADHUBHAI PATEL & 5 other(s)

Versus

STATE OF GUJARAT & 3 other(s)

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Appearance:

MR DIPEN DESAI(2481) for the Petitioner(s) No. 1,2,3,4,5,6

GOVERNMENT PLEADER(1) for the Respondent(s) No. 1,2,3

MS. KRUTI M SHAH(2428) for the Respondent(s) No. 4

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CORAM:HONOURABLE MR. JUSTICE A.S. SUPEHIA**Date : 30/11/2021****ORAL ORDER**

1. Pursuant to the order dated 21.09.2021, one Rupalben Jayeshkumar Khetia, Mamlatdar, Office of Commissioner of Municipalities has filed an affidavit making the statement in paragraph No. 9 that *"It is humbly submitted that if the period between 01.01.2006 to 30.09.2017 is not considered as notional, then in that case, the establishment expenditure of Nagarpalika would exceeds 48% and in that case, the State Government cannot grant the permission to Nagarpalika to grant benefits of 6th Pay Commission to its employees."*

2. In response to the aforesaid specific statement made by the Mamlatdar on affidavit, the petitioner has filed a sur-rejoinder, more particularly paragraph No.4, ascertaining that the statement is factually incorrect in fact, a proposal sent by the Nagarpalika states that the expenditure would not exceed 31% for the period from 2007-2008 to 2009-2010.

3. From the statement made in the affidavit, it appears that the same is made without calculating the expenditure and ignoring the proposal of the Nagarpalika. The statement appears to be very casual in nature.

4. The concerned Mamlatdar, who has filed the affidavit, shall remain personally present before this Court along with concerned files and calculations supporting the statement made in paragraph No.9 of the affidavit, **tomorrow i.e. on 01.12.2021 at 02:30 p.m.**, failing which the Court may be constrained to pass adverse orders. Learned Assistant Government Pleader shall convey the order of this Court to the concerned Mamlatdar forthwith.

Sd/-
(A. S. SUPEHIA, J)

NVMEWADA