

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

MR ADJITYA JADEJA AGP 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 ANIRUDDHA P. MAYEE

Date : 18/01/2023

ORAL ORDER

In the present case, the petitioners – retired employees of the respondent No.4 – Mandvi Municipality have been denied the actual benefits from 1.10.2010 onwards till 1.10.2017 on the ground that the expenditure of the Municipality on the establishment exceeded 48% of the budget annually. Learned advocate for the petitioners has placed on record the details of the expenditure for the relevant years 2011 to 2017 at Page Nos.228 to 242 of the petition [Annexure-S1 Colly], which is obtained under the R.T.I. from the Municipality, which shows that the expenditure on the establishment was less than 48% for the said year.

2. It is agreed by all the learned advocates appearing for the parties that the respondent No.4 – Mandvi Municipality may furnish the details of its expenditure from the year 2011 to 2017 afresh to the State Government for reconsideration of the grant of actual benefits from the year 1.10.2010 as given in case of other Municipalities whose expenditure on the establishment

was less than 48%.

3. The respondent No.4 – Mandvi Municipality is directed to furnish the details of the expenditure from the year 2011 to 2017 to the respondent No.2 – Director of Municipalities within a period of 2 weeks from the date of receipt of this order.

4. The respondent No.2 - Director of Municipalities is directed to reconsider the same and take appropriate decision in respect of the grant of actual benefits from 1.10.2010 onwards on its own merits and in accordance with law.

5. Let such an exercise to be completed within a period of 4 weeks after the submission of the details of the expenditure by the respondent No.4 – Mandvi Municipality.

The said decision be placed on record by way of affidavit before the next date of hearing.

Stand over to 28.2.2023.

Direct Service is permitted.

(ANIRUDDHA P. MAYEE, J.)

KAUSHIK D. CHAUHAN