

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3946 of 2006****With****R/SPECIAL CIVIL APPLICATION NO. 6170 of 2010**

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STATE OF GUJARAT & ANR.

Versus

UPENDRA NATWARLAL PANDYA & ANR.

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Appearance: IN SCA/3946/2006

MR. SIDDHARTH RAMI, AGP for the Petitioner(s) No. 1,2-STATE
MS. KAJAL L. KALWANI FOR MR ANAND B GOGIA(5849) for the
Respondent(s) No. 1 – ASSOCIATION

MR AR THACKER(888) for the Respondent(s) No. 2-UNIVERSITY

MR BB GOGIA(5851) for the Respondent(s) No. 1

MS MUSKAN A GOGIA(6624) for the Respondent(s) No. 1

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Appearance: IN SCA/6170/2010

MS. KAJAL L. KALWANI FOR MR ANAND B GOGIA(5849) for the
Petitioner(s) No. 1 - ASSOCIATION

MR BB GOGIA(5851) for the Petitioner(s) No. 1

MR. SIDDHARTH RAMI, AGP for the Respondent(s) No. 1,2 - STATE

MR AR THACKER for the Respondent(s) No. 3 - UNIVERSITY

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CORAM: **HONOURABLE MR. JUSTICE MAULIK J.SHELAT****Date : 03/12/2025**
COMMON ORAL ORDER

1. Heard learned counsel for the respective parties and learned AGP for the State in respective petitions.

2. At the outset, Ms. Kajal L. Kalwani, learned counsel appearing on behalf of Mr Anand B. Gogia, learned counsel requests that the petitioners of Special Civil Application No. 6170 of 2010 may be permitted to file additional affidavit in the matter. Permission, as prayed for, is granted. Registry to

accept the and place the additional affidavit on the record.

3. Learned counsels for the respective parties have jointly submitted before this Court that issue germane in these matters is squarely covered by various decisions of this Court passed by the different Benches. It has been pointed out that pursuant to a judgment and order dated 02.05.2019 passed by the Division Bench of this Court in Letters Patent Appeal No. 94 of 2018, which later on confirmed by the Hon'ble Supreme Court in its order dated 17.12.2021 passed in Civil Appeal No. 9018 of 2016, whereby case of the respective petitioners requires to be considered by respondent-State for granting benefit of pension to them.

4. It would be apt to refer that Special Civil Application No. 6170 of 2010 is filed by the Association, but for the benefit of following persons, who were working with respondent-university on different posts and already retired from their respective services, its details as follows:

Members Speaking Relief			
Sr.No.	Name	Designation	Date of Retirement
1.	Mr. S B. Bhatt.	Section Officer	14-06-2009
2.	Mr. P. G. Kansagra	Assistant Account	14-06-2009
3.	Dr. N. K. Thakra	Masean Cum Harbrium Man	31-10-2008
4.	Miss Aruna S. Bhodya	Asst. Accountant	31-10-2008
5.	Mr. K. A Solanki	Wireman	14-06-2006

6.	Mr. R. V. Ranpara	Assistant Accountant	31-10-2006
7.	Mr. K. J. Trivedi	Peon	14-06-2006
8.	Mr. J. T. Ashar	Section Officer	14-06-2006
9.	Mr. Rathi	Section officer	In service
10.	Mrs. P. J. Jani	Technical Assistant	In service
11.	Mr. P. S. Joshipura	Senior Assistant	31-10-2005 (2005)
12.	Mr. J.B. Shukla	Hamal	31-10-2005
13.	Mr. A.G. Rathod	Statistical Assistant	14-06-2005
14.	Mr. D. M. Dhakan	Section Officer	14-06-2004
15.	Mr. C.C. Bhupatkar	Junior Superintendent	14-06-2003
16.	Mr. J. B. Mundhra	Dy. Accountant	14-06-2002
17.	Mr. G.K. Vyas	Senior Assistant	31-06-2001
18.	Mr. P. H. Baraiya	Section Officer	14-06-2001
19.	Mr. P. A. Akbari	Academic Officer	14-06-2000
20.	Mr. K. P. Jadav	Deputy Accountant	31-10-1998
21.	Mrs. P. C. Doshi	Senior Assistant	31-10-1998
22.	Dr. N. M. Khandelwal	Professor	31-10-1996
23.	Mr. V. K. Vyas	Section Officer	29-02-1996
24.	Mr. N. H. Barodiya	University Librarian	31-05-1995
25.	Mr. C. K. Yagnik	Photographer-cum-artist	31-01-1995
26.	Mr. C. G. Dhruve	Deputy Registrar	30-06-1994

5. Further, it would be appropriate to refer the directions which are issued by the Co-ordinate Bench of this Court in its interim order dated 25.09.2024 passed in Special Civil Application No.16083 of 2022 and allied matters, wherein in identical set of facts, as observed hereinabove issued directions to respondent-authority. The relevant observations/directions issued by the Co-ordinate Bench in the aforesaid order in Para-5, reads thus:

"5. In view of the aforesaid submissions and taking into consideration the fact that the benefit of the Government Resolution dated 15.10.1984 has already been extended to the similarly situated employees like the petitioners and further taking into consideration the directions passed by the Coordinate Bench of this Court in the Special Civil Application No.18121 of 2017, the following directions are passed in the present batch of petitions :-

(I) All the petitioners herein are directed to approach their respective Colleges/Universities wherein they were serving as a full time employee with the relevant documents of their service record/ service details within a period of two weeks from the date of receipt of this order.

(II) Upon receipt of all the relevant documents submitted by the petitioners for grant of the benefit of Government Resolution dated 15.10.1984, the respective Colleges/Universities are directed to forward all such proposals to the respondent – Director of Higher Education, State of Gujarat within two weeks thereafter for processing the said cases for grant of the benefit of the Government Resolution dated 15.10.1984.

(III) Upon receipt of all such proposals from the respective Colleges/Universities, where the writ petitioners were employed, the respondent – Director of Higher Education, in consultation with the Secretary, Education Secretary, Finance Department shall take a decision on all such proposals on or before 30.11.2024. While processing such proposals of the writ petitioners, the respondents – Director of Higher Education, Secretary, Education Department and Secretary, Finance Department shall decide the proposals for the grant of benefit of the Government Resolution dated 15.10.1984 in accordance with the Rules and Regulations and the judgment and the orders passed by the Coordinate Bench of this Court, the learned Division Bench of this Court and the Hon'ble Apex Court as referred

to in the present order.

(IV) The proposals of the writ petitioners, if are found eligible by the respondents for the grant of benefit under the Government Resolution dated 15.10.1984, the same shall be processed for necessary action and the financial benefits shall be paid to such writ petitioners on or before 31.01.2025.

(V) The respondents are directed to file a detailed affidavit in are respect of the exercise undertaken indicating the numbers of proposals considered, accepted or rejected in respect of the writ petitioners herein before the next date of hearing.

Emphasis supplied”

Subsequently, vide order dated 10.10.2024, following correction was made by the coordinate Bench in the said order dated 25.9.2024 which read thus :-

“In paragraph No.(II) of the order dated 25.09.2024, the word “and the Government Resolution dated 14.09.1988” be added.

Emphasis supplied”

6. According to learned advocate Ms. Kalwani, same directions are required to be issued to the respondents to consider the case of the petitioners in respect of grievance of the petitioners.

7. However, it was pointed out by Mr. Rami, learned

AGP that in those set of petitions, the Director of Higher Education, in consultation with the Secretary, Education Department and the Secretary, Finance Department was directed to take decision by 30.11.2024 considering the fact that the order was passed on 25.9.2024 and, therefore, in this petition, which has been filed belatedly, suitable directions may be issued so as to see that the Government authorities may get appropriate time to consider the proposals that may be received.

8. Hence, following directions are issued:-

(I) All the petitioners herein including respective legal heirs of deceased employees are directed to approach their respective University wherein they were serving as a full time employee with the relevant documents of their service record/service details/pedigree certificate from Mamlatdar, within a period of two weeks from the date of receipt of this order.

(II) Upon receipt of all the relevant documents submitted by the petitioners for grant of the benefit of Government Resolution dated 14.09.1988, the respective University is directed to forward all such proposals to the respondent – Director of Higher Education, State of

Gujarat within two weeks thereafter for processing the said cases for grant of the benefit of the Government Resolution dated 14.09.1988. Learned advocate Mr. Thacker appearing for the University states that the proposals shall be sent by the University to the State Government latest by 08.01.2026.

(III) Upon receipt of all such proposals from the respective University, where the writ petitioners were employed, the respondent – Director of Higher Education, in consultation with the Secretary Education Department and the Secretary, Finance Department, shall take a decision on all such proposals on or before 26.02.2026. While processing such proposals of the writ petitioners, the respondents – Director of Higher Education, Secretary, Education Department and Secretary, Finance Department shall decide the proposals for the grant of benefit of the Government Resolution dated 14.09.1988 in accordance with the Rules and Regulations and the judgment and the orders passed by the Coordinate Bench of this Court, the learned Division Bench of this Court and the Hon'ble Apex Court as referred to in the present order. The respondent authority should take note of the fact that petitioners are aged more than 80 years, than aforesaid

exercise be completed within stipulated time.

(IV) The proposals of the writ petitioners, if are found eligible by the respondents for the grant of benefit under the Government Resolution dated 14.09.1988, the same shall be processed for necessary action and the financial benefits shall be paid to such writ petitioners on or before 27.04.2026.

(V) The respondents are directed to file a detailed affidavit in respect of the exercise undertaken indicating the numbers of proposals considered, accepted or rejected in respect of the writ petitioners herein before the next date of hearing.

9. For compliance of the aforesaid directions, list the present petitions for further consideration on **29.04.2026**.

DIWAKAR SHUKLA

(MAULIK J.SHELAT,J)