

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15653 of 2018****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 15653 of 2018****With****CIVIL APPLICATION (FIXING DATE OF EARLY HEARING) NO. 1 of 2022
In R/SPECIAL CIVIL APPLICATION NO. 15653 of 2018****With****CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2025
In R/SPECIAL CIVIL APPLICATION NO. 15653 of 2018****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2026
In R/SPECIAL CIVIL APPLICATION NO. 15653 of 2018****With****CIVIL APPLICATION (FOR DIRECTION) NO. 2 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 15653 of 2018****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

Approved for Reporting	Yes	No

RAVI DILIPKUMAR JOSHI & ORS.**Versus****STATE OF GUJARAT & ORS.****Appearance:****DELETED for the Petitioner(s) No. 11,12,13****MR MANOJ T DANAK(6264) for the Petitioner(s) No. 10,4,6,7,8,9****MR HJ DHOLAKIA(5862) for the Petitioner(s) No. 1,14,15,16,17,2,3,5****MR MJ MEHTA(5797) for the Petitioner(s) No. 18,19,20****MR SAURABH J MEHTA(2170) for the Petitioner(s) No. 18,19,20****MR SHUBHANG H SHAH(11415) for the Petitioner(s) No. 18,19,20****MS MANISHA LAVKUMAR SHAH, ADDITIONAL ADVOCATE GENERAL****assisted by MR JAY TRIVEDI, AGP for the Respondent(s) No. 1****MR BHAVESH P TRIVEDI(2731) for the Respondent(s) No. 6****MR DEEPAK P SANCHELA(2696) for the Respondent(s) No. 5****MR HS MUNSHAW(495) for the Respondent(s) No. 3,4****MR MEHUL SHARAD SHAH(773) for the Respondent(s) No. 2****MR RR TRIVEDI(941) for the Respondent(s) No. 6****CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT****Date : 23/04/2026****JUDGMENT**

1. At the outset, it is required to be observed that despite the repeated orders passed by this Court on 12.01.2026 and 13.04.2026, one of the learned advocates appearing for some petitioners namely Mr. Manoj T. Danak, has filed leave note today. The aforesaid orders dated 12.01.2026 and 13.04.2026 as follow:

“The order dated 12.01.2026 read as under,

“[1] Mr. R.R.Trivedi and Mr. Bhavesh P. Trivedi, learned advocates for respondent No.6, though appeared jointly, have filed leave notes.

[2] Mr. Saurabh J. Mehta, learned advocate with Mr. H.J.Dholakia, learned advocates for the respective petitioners, would request this Court that there is some urgency in the matter and therefore, a short date may be granted.

[3] Considering the issue germane and urgency pressed by the learned advocates for the petitioners, S. O. to 29th January, 2026.

[4] It is made clear that on the next date of hearing, no sick note or leave note of the learned advocates for the respective parties will be entertained.”

“The order dated 13.04.2026 read as under,

1. This Court vide its order dated 12.01.2026, passed the following order:

“[1] Mr. R.R.Trivedi and Mr. Bhavesh P. Trivedi, learned advocates for respondent No.6, though appeared jointly, have filed leave notes.

[2] Mr. Saurabh J. Mehta, learned advocate with Mr. H.J.Dholakia, learned advocates for the respective petitioners, would request this Court that there is some urgency in the matter and therefore, a short date may be granted.

[3] Considering the issue germane and urgency pressed by the learned advocates for the petitioners, S. O. to 29th January, 2026.

[4] It is made clear that on the next date of hearing, no sick note or leave note of the learned advocates for the respective parties will be entertained.”

2. Today, when the matters were taken up for hearing, it is reported that Mr. Manoj T. Danak and Mr. H.S. Munshaw, learned advocates for the respective petitioners and the respondents are on leave note.

3. At the same time, Mr. Mehul Sharad Shah, learned advocate for one of the respondents would also request this Court that there is some urgency in the matter as the scheme under which the petitioners are engaged is already over.

4. Considering the aforesaid, as a last chance, stand over to 23.04.2026. List on the top of the Board.

5. It is further made clear that on the next date of hearing, no sick note or leave note of the respective learned advocates will be entertained by this Court.”

2. In view of the aforesaid orders and considering the urgency pressed by the respective learned advocates, the matter is heard and taken up for hearing.

3. Heard Mr. H.J. Dholakia and Mr. Saurabh J. Mehta for the respective petitioners, Ms. Manisha Lavkumar Shah, learned Additional Advocate General assisted by Mr. Jay Trivedi, learned AGP for the respondent No. 1, Mr. Mehul Sharad Shah, learned advocate for the

respondent No. 2, Mr. H.S. Munshaw, learned advocate for the respondent Nos. 3, 4 and Mr. Bhavesh Trivedi, learned advocate for the respondent No. 6.

4. Before adverting to the issue germane to the matter, I would like to first refer the admission order passed by this Court on 09.10.2018 which reads thus:

“ Learned advocate Mr. Jal Unwala with learned advocate Mr. H.J. Dholakia stated that the facts of the case are similar to Special Civil Application No.19872 of 2017 and the petitioners of the said petition as well as the present petition are similarly situated.

2. In the aforesaid view, Rule.

3. Respondents are directed to maintain status-quo with regard to the service of the petitioners during pendency of the petition.

To be listed with Special Civil Application No.19872 of 2017.

Direct service is permitted.”

5. There was a conscious statement made by learned advocates for the petitioners that the facts of the present case are similar to Special Civil Application No. 19872 of 2017 and the petitioners are similarly situated with the petitioners of that petition.

6. Ms. Manisha Lavkumar Shah, learned Additional Advocate General would submit that the aforesaid writ petition being Special Civil Application No. 19872 of 2017 is already decided by learned Single Judge of this Court

vide its judgment dated 12.06.2025 along with other allied matters, whereby all the writ petitions were dismissed. It is also pointed out to this Court that the matters were carried before the Division Bench of this Court being Letters Patent Appeal No. 849 of 2025 and others and the Division Bench vide its judgment and order dated 17.07.2025 dismissed the appeals filed by original petitioners. As a last attempt, the petitioners had also approached the Supreme Court of India where also, the Special Leave Petitions filed by original petitioners came to be dismissed/not entertained.

6.1. Ms. Shah, learned Additional Advocate General and Mr. Shah, learned advocate for the respondent No. 2 would also place reliance upon other decision passed by the Coordinate Bench of this Court in Special Civil Application No. 10346 of 2014 and allied matters passed on 13.02.2025, whereby similar such petitions filed by other contractual employees were dismissed by learned Single Judge of this Court. It is also submitted that the appeals were filed in those cases before the Division Bench and after hearing the parties, the Division Bench vide its judgment and order dated 18.03.2025 dismissed those appeals and the Special Leave Petitions filed by original petitions in those cases being SLP No. 9757-9771/2025 also came to be dismissed by the Hon'ble Supreme Court on 07.04.2025.

6.2. Thus, it is submitted by the learned advocates appearing for the respective respondents that in view of

the aforesaid development which has taken place during the pendency of this petition and as such the petitioners have placed reliance upon the order passed by this Court in Special Civil Application No. 19872 of 2017, accordingly secured the first order in their favour of admission and status-quo with regards to their service conditions, in view of the dismissal of said writ petition, this Court should not entertain this petition.

6.3. Ms. Shah, learned Additional Advocate General for the respondent No. 1 have also submitted that there are good points on merit on which she can argue and this Court can also dismiss the petition on merit, but at this stage, she would like to confine her arguments as aforesaid and only placed reliance upon the aforesaid decision passed by this Court. It is only submitted that due to the interim order passed by this Court, the respondent is required to continue the scheme one or other way.

7. Per contra, Mr. Dholakia, learned advocate appearing for some of the petitioners is not in a position to dispute the aforesaid facts and the decision delivered by the Co-ordinate Bench and Division Bench of this Court in the matter of Special Civil Application No. 19872 of 2017, which is confirmed up to the Hon'ble Apex Court, as aforesaid.

7.1. Nonetheless, Mr. Dholakia, learned advocate, have tried to convince this Court that scheme under which the

petitioners were appointed is still continued and by changing the names one after another, the services of the petitioners are being taken by respondents.

7.2. Mr. Dholakia, learned advocate placed reliance on the letter dated 24.03.2026 issued by the Office of Gujarat Urban Livelihood Mission to all Corporations and Nagarpalikas of the State, whereby it was informed that scheme in question will continue up to 31.05.2026. The said letter is taken on record.

7.3. Mr. Dholakia, learned advocate for the petitioner No. 2, would also raises grievance that the petitioner No. 2 has not received a salary from the respondent No.4 - Rajkot Municipal Corporation since October 2025. Mr. Dholakia, learned advocate would request this Court to allow the Civil Application No. 1 of 2026.

8. Whereas, Mr. Saurabh Mehta, learned advocate appearing for the petitioner Nos. 18 to 20, would submit that said petitioners were engaged by the respondent No.6 - Jetpur Nagarpalika under the scheme in question floated by Central Government and its expenses to be borne by Central & State Government. It is submitted that due to misinterpreting the order of status-quo granted by this Court, the salary to be paid to the petitioner Nos. 18 to 20 were never revised by respondent No.6, though necessary directions were issued by the Central Government for revision of the salary of the petitioners like person from Rs. 10,000/- to

Rs. 15,000/-. It is further submitted that other similarly situated persons are getting Rs. 15,000/- per month as salary since long, whereas his clients i.e., petitioner Nos. 18 to 20 are receiving only Rs. 10,000/- per month. Mr. Mehta, learned advocate would further submit that for the month of October, November and December 2025, the said petitioners have not received any salary.

8.1 Thus, Mr. Mehta, learned advocate, would request this Court that prayer made in Civil Application No. 1 of 2021 filed by said petitioners in this petition may be allowed and appropriate direction may be issued.

8.2. Mr. Mehta, learned advocate would lastly submit that until the scheme in question gets over, the services of said petitioners - his clients should not be terminated/discontinued by respondents as agreed at the time of their appointments.

9. Mr. Trivedi, learned advocate for the respondent No.6 - Jetpur Nagarpalika would submit that due to non-receipt of the grant from the State/Gujarat Urban Livelihood Mission, the salaries of the petitioner Nos. 18 and 20 was paid by the Nagarpalika from its own fund. So far as the petitioner No. 19 is concerned, according to his instruction, she has already discontinued her service from November 2025. It is submitted that concern of non-payment of the salary for few months to the petitioners No. 18 to 20 is already voiced by the Nagarpalika in its communication letter dated 19.01.2026 but till date no

response received from the said respondent - Mission. Nonetheless, Mr. Trivedi, learned advocate, would submit that Nagarpalika will again send necessary proposal for unpaid salary and revision of salary to the said respondent - Mission.

10. Mr. Munshaw, learned advocate appearing for respondent No.4 - Rajkot Municipal Corporation would also submit that if the petitioner has not received a salary since October, 2025 than upon verification, the necessary proposal in this regard will be sent to the said respondent - Mission.

11. Mr. Mehul Sharad Shah, learned advocate appearing for the Gujarat Urban Livelihood Mission would submit that if any proposal will be received from the concerned Nagarpalika/Corporation about non-payment of salary and or revision of salary to the concerned employees - said petitioners appointed under the scheme, upon proper verification, the appropriate decision will be taken by the competent authority of the Mission and if necessary, the grant will be released in favour of the Nagarpalika/Corporation concerned.

11.1. Mr. Shah, learned advocate, would further submit that so far as revision of pay of the said petitioners is concerned, subject to verification and upon receipt of appropriate proposal from concerned Nagarpalika/Corporation, the respondent - Gujarat Urban Livelihood Mission will scrutinize such proposal in

accordance with law and accordingly, upon verification, it may grant the difference of salary.

ANALYSIS:

12. Having heard learned counsels for the respective parties and taking note of the aforesaid judgments passed by Co-ordinate Bench of this Court in Special Civil Application No. 19872 of 2017 which was confirmed by Division Bench and not disturbed by the Hon'ble Apex Court of India, in view of this scenario, the claim of the petitioners made in this petition cannot be looked into by this Court as upon their statement that the case is similar with the case of the petitioners of the aforesaid petition, this Court vide its order dated 09.10.2018 admitted the matter and granted order of status quo in their favour. Once the aforesaid writ petition is dismissed by Coordinate Bench of this Court on merit as aforesaid, according to my view, nothing would survive in this petition. As such, this petition also requires to meet with the same fate as decided by the Coordinate Bench of this Court in said writ petition. Since other similarly situated placed petitioners failed in their petition as not entertained by this Court as well as Hon'ble Apex Court, as aforesaid, there is no scope of further deliberation on the issue germane to the matter. Since Mr. Dholakia, learned advocate appearing for some of the petitioners are not disputing the said judgments passed by the Coordinate Bench/Division Bench/Hon'ble Apex Court, I would not like to burden this judgment by quoting the

relevant observation/reasons assigned in the aforesaid decisions.

12.1. So far as claim of the petitioners that scheme is continued till date, albeit in different name, then their services shall be protected. This argument is no longer available to them as in the cases of other similarly situated person, it is not entertained. Even otherwise, as per the aforesaid letter dated 24.04.2026 issued by the respondent No.2 – Mission, the scheme is going to over either on 31.05.2026 or any until any instruction receive, whichever is earlier. As per the submissions of learned advocate for the respondents, due to order of the status-quo granted by this Court in this matter, the respondent has no other option but to continue the scheme, otherwise they would not in a position to make the payment/salary to the petitioners. Thus, considering nature of the appointment of all these petitioners, which is project-scheme based, upon completion of the scheme, they have no indefensible right to continue in the employment of the respondents.

13. In light of the aforesaid observation and reasons, I do not find any merit in the claim of the petitioners and accordingly the present petition is required to be rejected.

14. As far as the claim of the petitioner Nos. 2, 18, 19 and 20 is concerned, if the petitioners are not paid salaries since October, 2025 and their salaries are not

revised from Rs. 10,000/- to Rs. 15,000/- by concerned Nagarpalika / Corporation, as the case may be, on the ground that there is an order of Status quo granted by this Court on 09.10.2018, it is completely misinterpretation of said order by the respondent - Nagarpalika/Corporation. They cannot be allowed to say that due to said order and or non-receipt of the grant, they are not required to pay a salary or not to revise the salary though it was revised by the Central Government at relevant time. The revision of salary from Rs. 10,000/ to Rs. 15,000/ was a decision of the Central Government who appears to have floated the scheme in question and the burden would be shared by State as well. The grant must be available and to be sent to concerned Nagarpalika/Corporation by the State/Mission. For any reason, such grant is not reached upto the concerned Nagarpalika/Corporation, the employees like the said petitioners cannot allow to suffer by not paying them their legitimate right to receive salary/revised salary for the work they have discharged till date. None of the learned advocates appearing for the respondents can dispute that there was no revision of salary applicable in the cases of said petitioners. Although, sufficient documents in regards to revision of salary by the Central Government are made available on record as along with the Civil Application No. 1/2021.

15. In view of foregoing reasons, the respondent No. 4 - Rajkot Municipal Corporation and respondent No. 6 - Jetpur Municipality are hereby directed to calculate the

difference of salary amount upon revision of a salary in the case of the petitioner Nos. 2, 18, 19 and 20 respectively and if they have not received salary since October 2025 as claimed, it should also be added in the proposal which shall be sent to the Office of the Gujarat Urban Livelihood Mission for getting requisite grant to release the payment in favour of the respective petitioners. Such exercise shall be undertaken by the aforesaid Corporation and Nagarpalika within ten days from the receipt of a copy of this order and accordingly, send the proposal to the respondent No.2 - Mission to get the said amount.

15.1. Upon the receipt of the aforesaid proposal from concerned Nagarpalika / Corporation, the respondent No. 2 - Mission is hereby directed to process the proposal as expeditiously as possible, but not later than end of the scheme in question, i.e. 31.05.2026 or earlier, as the case may be. If there is no other discrepancy and or any irregularity found in the proposal of the Nagarpalika/Corporation, as the case may be, the grant/amount shall be released in favour of the Corporation/Nagarpalika which in turn shall be paid to the concerned petitioners on or before 31.05.2026.

CONCLUSION:

16. With the aforesaid observation, discussion and reasons, the present writ petition is not entertained by this Court, accordingly it is dismissed. The interim relief

which was granted earlier stands vacated forthwith.

16.1. Civil Application No. 1 of 2021 and Civil Application No. 1 of 2026 are partly allowed to the aforesaid extent. The direction issued to the concerned respondents herein above in para - 15 & 15.1 must be complied within time, failing which it will be open for the concerned petitioners to initiate contempt proceeding against erring officials of the concerned respondents.

16.2. As a sequel, the rest of the Civil Applications are disposed of.

17. Rule is discharged. No order as to costs.

18. Direct service is permitted.

SYED SHAHANAZ

(MAULIK J.SHELAT,J)