

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 12415 of 2026

=====

RAHEMATBEN ALARAKHABHAI BHAYANI

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MS ASHLESHA M PATEL(6127) for the Petitioner(s) No. 1

MR SAHIL TRIVEDI ASST. GOVERNMENT PLEADER for the Respondent(s)
No. 1

MS REETA CHANDARANA(3023) for the Respondent(s) No. 2,3

=====

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 10/09/2026

ORAL ORDER

1. Heard learned advocates appearing for the respective parties.
2. Learned advocate Ms.Reeta Chandarana is permitted to file her Vakalatnama for respondent No.2.
3. Considering the issue involved in the present petitions with regard to payment of lump sum compensation in lieu of compassionate appointment to the daily wagers pursuant to the Government Resolutions dated 5.7.2011, 13.10.2015 and 7.4.2016 and subsequent resolutions as modified from time to

time, is subject matter before the Apex Court which is pending adjudication. However, the Division Bench of this Court in Letters Patent Appeal Nos.840 of 2022, vide its order dated 1.4.2025 passed the following orders, keeping the Letters Patent Appeal pending for adjudication after the decision of the Apex Court :

“18. Hence, we direct the Registry to list the present appeals after the decision of the Supreme Court in SLP (C) Diary No.4827 of 2023.

19. Meanwhile, since it is noticed by us that various legal heirs of the employees are already extended the benefit of lumpsum compensation, after the judgments of the learned Single Judges, which is confirmed by the Division Bench and in some of the matters, the SLPs are also dismissed, we are of the opinion that the appellant-Board and the State Government shall also extend the benefit to the respondents.

20. At this stage, Mr. K. M. Patel, learned Senior Advocate has submitted that the status-quo granted by the Division Bench may be extended. However, we are not inclined to extend the same as the documents which are produced on record, reveal that the appellant-Board has already conferred the benefit of lumpsum compensation to the legal heirs of the employees, after the approval of the State Government. One of such documents is produced in

LPA No. 840 of 2022 at page 107 and 108. The State Government Department, Narmada Water Resources and Water Irrigation Department, has informed the appellant-Board to extend the benefits of the Government Resolution dated 5th July, 2011 to its employees. The State Government has also extended the benefit of lumpsum compensation to various persons who are similarly situated to the respondents since passing of the first judgment in the year 2016. By now, more than eight years have passed and numerous orders are passed by this Court and the benefits are extended, hence we are not inclined to deprive the benefits to the respondents as directed by the learned Single Judges.

21. Hence, we direct the appellant-Board and the State to extend such benefits to the respondents, subject to the result of the present Letters Patent Appeals. We also direct the respondents to file an Undertaking before this Court in the respective captioned appeals promising to return the amount in case the appeals are allowed and the orders passed by the learned Single Judges are set aside. The Board and the State Government shall extend the benefits only in cases of such employees who file the Undertaking before this Court as well as before the respective Departments.

22. The amount, which is already deposited before this Court as directed by the Coordinate Benches or

the learned Single Judges, shall be disbursed to the employees on filing such Undertakings as directed above.

23. It is clarified that the present order is confined to the LPAs which are listed before us. We have not opined anything on merit at this stage and the writ petitions, which are pending before the respective benches, shall be dealt with on their own merits, after taking into consideration the submissions advanced by the learned advocates appearing for the respective parties. 24. It is clarified that it will be open for either of the parties to file a note before the Registry to get the present matters listed after the disposal of SLP (C) Diary No. 4827 of 2023.”

4. In view of the aforesaid, issue **Rule** returnable on **28.12.2026**.

5. Learned advocates appearing for the respective respondents, waive service of notice of Rule.

6. By way of interim order, it is directed that :

(i) the respondent authorities to extend such benefits to the petitioners subject to outcome of the Letters Patent Appeal as well as the Special Leave Petition.

(ii) the petitioners shall file an undertaking before this Court in respective writ petitions promising to return the amount in case the Special Leave Petition and these petitions are adversely decided against them.

(iii) the respondent authorities shall extend the benefit only in case of such employees, who file an undertaking before this Court as well as before the respective authorities.

(iv) it will be open for either of the parties to file a Note before the Registry to get the matters listed after the disposal of the Special Leave Petition (C) Diary No.4827 of 2023.

(v) once such undertaking is filed, the necessary payment shall be made to the petitioners within a period of 3 weeks thereafter.

(NIKHIL S. KARIEL,J)

NAIR SMITA V./23-DB