

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13538 of 2025**

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VADODARA MUNICIPAL CORPORATION

Versus

VINODCHANDRA SOMABHAI JOSHI

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Appearance:

NANAVATI & CO.(7105) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 26/09/2025****ORAL ORDER**

1. Learned advocate Mr.Nanavati submits that the respondent has been given the benefit of gratuity from 27.05.2018 to 30.06.2024. Learned advocate Mr.Nanavati submits that as the initial appointment of the respondent was as a daily wager therefore, the period of service from 17.08.1988 to 27.05.2018 was not considered for the gratuity. Learned advocate Mr.Nanavati submits that the issue is at large before the Apex Court in the case of ***Dhansai Sahu vs. The State of Chhattisgarh & Ors.***, reported in **(2020) 19 SCC 808**.

2. Learned advocate Mr.Nanavati submits that the another question arise for consideration in the present petition is that whether the petitioner would liable for payment of the gratuity or concerned panchayat is directed to pay the gratuity as a majority period has been served with the panchayat as a daily wager.

3. Considering the submissions, **RULE.**
4. In the meantime, the impugned order is stayed. The amount which is deposited by the Corporation before the appellate Court to be kept in fixed deposit so appropriate interest can be accrued, the same shall be decided at the time of final hearing of this petition.
5. To be heard with Special Civil Application No.8146 of 2025.

(M. K. THAKKER,J)

M.M.MIRZA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MUDDASAR MUSTAKBHAI MIRZA(HC01407), PRIVATE SECRETARY, at High Court of Gujarat on 29/09/2025 11:13:46