

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14019 of 2025**

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TEJAJI NATHAJI CHAUHAN(DECEASED) & ANR.
Versus
STATE OF GUJARAT & ORS.

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Appearance:
DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESENTATIVES
for the Petitioner(s) No. 1
MS VIDHI J BHATT(6155) for the Petitioner(s) No. 1.1
MS VAISHNAVI VERMA, AGP for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA**Date : 04/08/2026****ORAL ORDER**

1. Heard learned advocate Ms. Vidhi Bhatt on behalf of the petitioner and learned Assistant Government Pleader Ms. Vaishnavi Verma on behalf of the respondent – State.

2. By way of this petition, the petitioner inter alia raises a grievance as regards not being granted the benefit of Government Resolutions dated 17.10.1988, 15.09.2014 and 06.04.2016 inspite of the petitioner having worked for more than 5 years with the respondents where the petitioner completes more than 240 days in a year.

2.1. It is also the case of the petitioner that while petitioner may have actually worked for a much longer period, if the law laid down by the Hon'ble Apex Court in case of **Workmen of American Express International Banking Corporation vs. Management of American Express International Banking Corporation** [AIR 1986 SC 458] were to be followed by the respondents i.e. the respondents while calculating the number of years where the petitioner had worked for more than 240 days have added Sundays and Public Holidays, which would have enured in favour of the petitioner.

2.2. It also appears here that while the petitioner has preferred representation dated 28.08.2025, the same has not been decided by the respondents appropriately.

3. In the considered opinion of this Court, since no decision has been taken by the respondents, at this stage, the grievance of the petitioner could be assuaged by directing the respondents to consider the case of the petitioner in accordance with law more particularly in accordance with the directions that would follow. Learned advocates for the respective parties would not have any

objection to the same. Hence, the following directions are passed :-

(i) The petitioner to provide a copy of the petition as representation to the respondent No.3 with a copy to the respondent No.2 within a period of two weeks from today.

(ii) The respondents to decide the same in accordance with law more particularly in light of the policy of the State Government vide Government Resolutions dated 17.10.1988, 15.09.2014 and 06.04.2016.

(iii) The respondents shall while calculating the number of days put in by the petitioner for the purpose of grant of benefit as per the above referred Government Resolutions, shall add Sundays and Public Holidays to the number of days worked by the petitioner in the year concerned more particularly as per the law laid down by the Hon'ble Apex Court in case of Workmen of American Express International Banking Corporation (supra).

(iv) The respondents, more particularly respondent No.3

in consultation with respondent No.2 shall take appropriate decision within a period of **twelve** weeks from the date of receipt of such representation preferred by the petitioner.

3.1. It is clarified that this Court has not gone into the merits of the matter and whereas, the respondents shall take a decision strictly in accordance with law and as per the extant policy of the State Government.

3.2. Needless to state that in case the petitioner are aggrieved by the said decision, it would be open for the petitioner to challenge the same in accordance with law.

4. With these observations and directions, the present petition stands disposed of. Direct service is permitted.

MAYA

(NIRAL R. MEHTA,J)