

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 20575 of 2023**

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MINAXIBEN RAJUBHAI BHOI

Versus

THE STATE OF GUJARAT

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Appearance:

MR DIPAK R DAVE(1232) for the Petitioner(s) No. 1

MR ADITYA PATHAK, AGP for Respondent State

for the Respondent(s) No. 2,3

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 08/12/2023****ORAL ORDER**

1. Heard learned Advocate Mr.Dipak Dave for the petitioner and learned AGP Mr.Pathak for the respondent State.
2. Considering the submissions of learned Advocate Mr.Dave, it would appear that while the petitioner had sought for being granted the benefits of Government Resolution dated 17.10.1988, the same has been rejected on the ground that the petitioner is working for 5 hours a day as a temporary and part-time employee and whereas it is observed in the impugned order that while the petitioner may be entitled to grant of minimum of pay scale, the petitioner would not be entitled to any other benefits. It would further appear that the system of employing persons for less than 8 hours a day, whereby the said persons could not be treated as full-time employees for a long period of time, has been criticized by a learned Coordinate Bench of this Court in Special Civil

Application No.8468 of 2014 and whereas this Court would also be in agreement with such observations, more particularly a system devised whereby an employee is kept away from a beneficial policy of the State Government, could not be expected from a welfare State.

3. Having regard to such a position, issue notice to the respondents returnable on 29.1.2024. Learned AGP Mr.Pathak waives service of notice for respondent State. Direct service for rest of the respondents is permitted.

V.V.P. PODUVAL

(NIKHIL S. KARIEL,J)