

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 18060 of 2025**

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LEGAL HEIRS OF HARTANSINH UDESINH ZALA -ZALA JASHIBEN
HARTANSINH

Versus

STATE OF GUJARAT FOR OR ON BEHALF OF PRINCIPAL CHIEF
CONSERVATOR OF FORESTS & ANR.

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Appearance:

MR BHAVESH J PATEL(6801) for the Petitioner(s) No. 1

MR SAHIL TRIVEDI, AGP for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 14/07/2026

ORAL ORDER

1. Heard learned advocates appearing for the respective parties.

2. Considering the issue involved in the present petition with regard to payment of lump sum compensation in lieu of compassionate appointment to the daily wagers pursuant to the Government Resolutions dated 05.07.2011, 13.10.2015 and 07.04.2016 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 01.04.2025 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."*

3. In view of the aforesaid, issue **Rule** returnable on 03.08.2026.

4. Learned Assistant Government Pleader Mr.Sahil Trivedi waives service of notice of Rule on behalf of the respondents.

5. By way of interim order, it is directed

that :

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

(ii) the petitioner shall file an undertaking before this Court promising to return the amount in case the Special Leave Petition and this petition is adversely decided against her;

(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 matter 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 petitioner within a period of three weeks thereafter.

Direct service is permitted.

(NIRAL R. MEHTA, J)

ANUP