

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 21404/2012

(Arising out of impugned final judgment and order dated 18-04-2012 in SA No. 170/2007 passed by the High Court of Gujarat at Ahmedabad)

YOGENDRA H PANDYA

Petitioner(s)

VERSUS

STATE OF GUJARAT & ANR.

Respondent(s)

Date : 06-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER

HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Ms. Ranjan Doshi, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Ms. Archana Pathak Dave, Adv.
Ms. Deepanwita Priyanka, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for the parties.

It is not in dispute that the petitioner was working as a Junior Clerk since 1st March, 1980 in the office of the respondent No.2 i.e. Executive Engineer, Panchayat, Survey and Research Department, Rajkot. Taking into consideration this aspect, the trial Court by order dated 23rd November, 2000 granted relief to the petitioner to continue in service and restrained the respondents from terminating the petitioner from service.

Being aggrieved and dissatisfied with the order of the trial Court, the respondents have preferred the Regular Civil Appeal before the Presiding Officer, 2nd Fast Track Court, Rajkot. By order dated 24th November, 2006 the Appellate Court dismissed the Appeal filed by the respondents and confirmed the order of the trial Court dated 23rd November, 2000. Thereafter, the respondents preferred Regular Second Appeal under Section 100 CPC against the order of the Appellate Court before the High Court of Gujarat at Ahmedabad. The High Court allowed the Second Appeal of the respondents vide impugned order dated 18th April, 2012. The petitioner being dissatisfied with the impugned order is now before us by special leave to appeal.

Having regard to the peculiar facts and circumstances of the case and considering the fact that the petitioner has worked from 1st March, 1980 till his superannuation, we are of the view that the judgment of the High Court impugned herein is liable to be set aside. Ordered accordingly.

The Special Leave Petition is disposed of accordingly.

Pending application, if any, also stands disposed of.

(ANITA MALHOTRA)
COURT MASTER

(KAMLESH RAWAT)
COURT MASTER